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FLIESLER MEYER LLP
650 CALIFORNIA STREET
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MAR 2 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Bosworth et al.	:	DECISION REFUSING STATUS
Application No. 11/857,352	:	UNDER 37 CFR 1.47(b)
Filed: September 18, 2007	:	
Attorney Docket No. BEAS-01537USB	:	

This is in response to the "Petition Under 37 CFR 1.47(a), filed February 4, 2008. This petition is properly treated under 37 CFR 1.47(b).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

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

(1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor.
(5) proof of proprietary interest: and
(6) proof of irreparable damage.

Applicant lacks item(s) (1),(2)and (5) set forth above.

As to item (1), rule 47 applicant must demonstrate with documented evidence that the inventors refused to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). Applicants have provided a cover letter, which indicates that a letter and application papers were mailed. However, applicants have failed to provide sufficient evidence to establish that the correspondence was received. Where rule 47 applicant seeks to establish that an inventor's conduct constitutes refusal to execute the application papers, it should be demonstrated that the application papers were in fact received or refused. Further since almost all inventors left the employ of rule 47 applicant four years ago it is foreseeable that some if not all may not reside at addresses on record. Evidence that the addresses

may still be valid has not been provided. The fact that the mailings to inventors Burdon, Khesin and Ong were not claimed, does not demonstrate refusal.

If appropriate rule 47 applicant may wish to consider the standard required to establish diligent effort where an inventor cannot be reached or located. The applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to the inventors' personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? At the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to the inventors addresses, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

As to item (2), it is not clear that an executed oath within the meaning of 35 USC 115 and 37 CFR 1.63 has been provided. To the extent the document provided under "Declaration for Patent Application Under 35 USC § 118" is intended to be an oath or declaration pursuant to 37 CFR 1.63, it fails to meet the requirement of 37 CFR 1.63(a)(4). 37 CFR 1.63 (a)(4) state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought. Lastly, while 37 CFR 1.63 does not prohibit the inclusion of evidence of proprietary interest such evidence except for the title of the person signing on behalf of the non-signing inventors is better served in the petition or statement of facts.

Although the unsigned declaration contains a six page regarding material of patentability pursuant to 37 CFR 1.56, the first page solely references "material to examination". All oaths or declarations filed on or after June 1, 2008, will be required to include the language expressly set forth in 37 CFR 1.63, including that in 37 CFR 1.63(b)(3). For pending applications, the Office is hereby sua sponte waiving the express language requirement of 37 CFR 1.63(b)(3), where the oath or declaration was filed prior to June 1, 2008. The express language of 37 CFR 1.63(b)(3) is waived only to the extent necessary such that an oath or declaration containing the "material to examination" or "in accordance with § 1.56(a)" language, or both, will be accepted as acknowledging the applicant's duty to disclose information "material to patentability" as defined in 37 CFR 1.56. See. 1327 O.G. 112 (February 12, 2008).

As to item (5), when an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application. 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).

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (non-signing inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court

decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

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

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

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

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

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14TH FLOOR
SAN FRANCISCO CA 94108

In re Application of	:	
Bosworth et al.	:	DECISION REFUSING STATUS
Application No. 11/857, 352	:	UNDER 37 CFR 1.47(a)
Filed: September 18, 2007	:	
Attorney Docket No. ORACL-01537USB	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed June 5, 2008. This petition is now properly treated under 37 CFR 1.47(a) because at least one inventor has executed a declaration.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

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

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). Although petitioner has provided evidence that the application papers were sent to the non-signing inventors, petitioner has not provided sufficient evidence that the application papers were received by the inventors. The return receipt card for inventors Burdon and Lloyd were not signed for by the addressees. Petitioner should provide evidence that the inventors reside or in this instance are still employed, to establish it is likely that the documents were received. Petitioner may wish to call to confirm that the application papers were received. If the joint inventors were not presented with a copy of the application papers for this application, then the joint inventors could not attest that they have

"reviewed and understand the application papers" and could not execute the declaration they were requested to sign. If the inventors did not receive the application papers the failure to execute cannot be construed as refusal. Unless petitioner can show that a copy of the application papers was presented to the joint inventors , then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventors , return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** *See* MPEP 409.03(d).

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration **by the party to whom the refusal was made.** Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Petitioner has established that inventors Lucas, Adam Bosworth and Alexander Bosworth have refused to execute the application papers.

As to item (2), the declaration does not include the name and citizenship and mailing address of all of the inventors. Specifically inventors Bosworth, Burdon, Lucas and Bosworth were not included. Further the page numbers of the declaration indicate that page 3 was missing. A new oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the other co-inventors on behalf of themselves and on behalf of non-signing inventors is REQUIRED.

The declaration lacks compliance with 37 CFR 1.63(a)(2) in that the declaration does not list all the named inventors. Petitioner's attention is directed to MPEP Section 602, which states:

> "Where joint inventors execute separate oaths or declarations, each oath or declaration should make reference to the fact that the affiant is a joint inventor together with each of the other joint inventors indicating them by name. This may be done by stating that he or she does verily believe himself or herself to be the original, first and joint inventor together with 'A' or 'A & B, etc."

Accordingly, a new declaration, which lists all the inventors and is signed by all the signing inventor(s) and leaving the signature block of the non-signing inventor blank is required. *See also* MPEP Sections 201.03 and 409.03(a).

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

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
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Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant

Charlema Grant
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Office of Petitions

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MAR 1 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Bosworth et al.	:	DECISION REFUSING STATUS
Application No. 11/857, 352	:	UNDER 37 CFR 1.47(a)
Filed: September 18, 2007	:	
Attorney Docket No. ORACL-01537USB	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed January 27, 2009.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item(s) (2) set forth above.

As to item (2), the declaration contains alterations. Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. See MPEP 605.04(a). An ADS filed with the application is not required to be signed unless the ADS includes a nonpublication request. 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in the application must be signed by an appropriate party. Therefore, an ADS or a supplemental ADS filed after the filing of an application must be signed in accordance with 37 CFR 1.33(b). On renewed petition, a new oath or declaration executed by inventor Lloyd or a signed supplemental application data sheet is required.

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

By mail: Mail Stop PETITIONS
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MAY 22 2009

OFFICE OF PETITIONS

Fliesler Meyer LLP
650 California Street
14th Floor
San Francisco CA 94108

In re Application of Adam Bosworth, Richard Burdon, Alexander Khesin, Alexander Lloyd Farokh Eskafi, Ken Ong, Terry Leonard Lucas and Alexander Bosworth Application No. 11/857,352 Filed: September 18, 2007 Attorney Docket No. ORACL-01537USB	: : : : :	DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed March 30, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventors Adam Bosworth, Burdon, Lucas and Alexander Bosworth have refused to join in the filing of the above-identified application.

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

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

This application is being referred to the Office of Patent Processing for pre-examination processing.

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Adam Bosworth
9324 SE 57th Street
Mercer Island, WA 98040

Richard Burdon
106 Havemeyer 2C
Brooklyn, NY 11221

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MAY 22 2009

OFFICE OF PETITIONS

In re Application of
Adam Bosworth, Richard Burdon, Alexander Khesin,
Alexander Lloyd, Farokh Eskafi, Ken Ong, Terry Leonard Lucas
and Alexander Bosworth
Application No. 11/857,352
Filed: September 18, 2007
Attorney Docket No. ORACL-01537USB
For: Mobile Applications

Dear Sirs:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: Fliesler Meyer LLP, 650 California Street14th Floor,San Francisco CA 94108
Rich Burdon, 375 Madison Ave, New York City, NY 10017-4611

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OFFICE OF PETITIONS

Adam Bosworth
9324 SE 57th Street
Mercer Island, WA 98040

Richard Burdon
106 Havemeyer 2C
Brooklyn, NY 11221

In re Application of
Adam Bosworth, Richard Burdon, Alexander Khesin,
Alexander Lloyd, Farokh Eskafi, Ken Ong, Terry Leonard Lucas
and Alexander Bosworth
Application No. 11/857,352
Filed: September 18, 2007
Attorney Docket No. ORACL-01537USB
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Alexander Bosworth
9324 SE 57th Street
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Terry Leonard Lucas
8707 144th Drive SE
Snohomish, WA 98290

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OFFICE OF PETITIONS

In re Application of
Adam Bosworth, Richard Burdon, Alexander Khesin,
Alexander Lloyd, Farokh Eskafi, Ken Ong, Terry Leonard Lucas
and Alexander Bosworth
Application No. 11/857,352
Filed: September 18, 2007
Attorney Docket No. ORACL-01537USB
For: Mobile Applications

Dear Sirs:

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

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

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Charlema Grant
Petitions Attorney
Office of Petitions

cc: Fliesler Meyer LLP, 650 California Street14th Floor, San Francisco CA 94108

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OFFICE OF PETITIONS

In re Application of
Adam Bosworth, Richard Burdon, Alexander Khesin,
Alexander Lloyd, Farokh Eskafi, Ken Ong, Terry Leonard Lucas
and Alexander Bosworth
Application No. 11/857,352
Filed: September 18, 2007
Attorney Docket No. ORACL-01537USB
For: Mobile Applications

Dear Sirs:

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

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

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Petitions Attorney
Office of Petitions

cc: Fliesler Meyer LLP, 650 California Street14th Floor, San Francisco CA 94108

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SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI OH 45202

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AUG 0 4 2008

In re Application of	:	
Peter J. WYATT et al.	:	
Application No. 11/857,374	:	DECISION ON PETITION
Filed: September 18, 2007	:	
Attorney Docket No. 10911	:	

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 **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 October 01, 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 December 04, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees and oath or declaration and replacement drawings; (2) the petition fee of $1540.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of October 01, 2007 is accepted as having been unintentionally delayed.

The power of attorney filed with the petition on May 23, 2007 has been accepted and made of record.

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/857,380	09/18/2007	Joel Myerson	10070257-01	1784

EXAMINER
RILEY, JEZIA

ART UNIT	PAPER NUMBER
1637	

NOTIFICATION DATE	DELIVERY MODE
01/08/2010	ELECTRONIC

7590 01/08/2010
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 01/07/2010 MFARMER
09/19/2007 INTEFS1 00003456 501078 11857380
02 FC:1111 500.00 CR
04 FC:1501 400.00 CR

FORM PET651G (Rev. 08/07)

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA CA 90404

In re Application of:
Tye RUBINS, et al.
Serial No.: 11/857,395
Filed: September 18, 2007

Title: **AUDIO COORDINATED VISUAL INDICATOR**

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

This is a decision on the petition filed on September 18, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2, 5.3, 6.2 and 6.5.

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

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/subclasses: 455/ 566 and 567; 340/ 461, 815.4 and 815.45; and 381/ 86 and 306.

Applicant is also reminded that different databases have different operators and symbols. Applicant should provide complete listings of all search logic provided in specific search areas, as well as the date the search was conducted, for each search. See below for one type of example of recommended search logic for class 455/ ; class 340/; or class 381/ :

Additional search terms/string: visual$2 near5 (indicat$4 indicia prompt$3) near15 (audio voice talk$3) and (car automobile vehicle)

The above string is merely suggestive and is not all-encompassing. Please note that any request for reconsideration must include an updated Information Disclosure Statement citing any newly found relevant prior art and an updated Accelerated Examination Support Document meeting all of requirements 6.1 – 6.6 for any documents uncovered by the new search(es) as required above.

Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document (AESD) is deficient as follows: The support document fails to address <u>all of the limitations</u> in <u>all of the claims of the application</u> that are disclosed by the patent and the non patent literature cited and <u>specifying where the limitation is disclosed by each cited reference</u> as required by item 6.2. Specifically, the Accelelerated Examination Support Document only discusses and addresses limitations of some of the claims that are disclosed in only 2 of the cited references (Doyle et al. and ul Azam et al.). Therefore, the AESD fails to include any identification/ discussion of claims 1-6 as related to the other 23 cited references. Please note that any references that are cited and/or listed as part of the AESD must be discussed unless they are filed in a separate IDS that is not in support of the petition. See "Frequently Asked Questions", particularly "IDS 3"on the USPTO web-site, <u>http://www.uspto.gov/web/patents/accelerated/ae_faq_091207.pdf</u>.
It is also noted that page 4 of the AESD refers to claims "1- 13" in discussing the Doyle reference; however, since there are only 6 claims total, it appears "13" is a typographical error that requires clarification.

Regarding the requirement in item 6.5 above, the "Accelerated Examination Support Document", part f.) is deficient because it fails to include a showing of where ***each limitation of the claims*** finds support under the first paragraph of 35 USC 112 in the written description of the instant specification. Petitioner provides a broad statement that support is shown for claims 1-6 in at least paragraphs 0026-0037 and also generically refers to Figures 1-7. However, the support

document fails to provide any indication where each specific claim limitation finds support in the specification for each claim. Clarification is required.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5., 5.2 and 5.3 above, and the Preexamination Search Document must be amended to provide all details of all searches conducted, including: fields of searches (including class/subclasses) and the dates of the searches, and name of files and/or databases searched, and the search logic used as queries in all searches; a supplemental Information Disclosure Statement must be filed citing any newly found prior art; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of all newly cited prior art in accordance with all of items 6 through 6.6 above, including an updated discussion as required above.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

/Krista Zele/

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA CA 90404

In re Application of:
Tye RUBINS, et al.
Serial No.: 11/857,395
Filed: September 18, 2007

Title: **AUDIO COORDINATED VISUAL INDICATOR**

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

This is a decision on the request for reconsideration filed December 5, 2007 which is also a response to the petition decision mailed November 8, 2007. The request for reconsideration filed December 5, 2007 is considered together with the original petition filed September 18, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

PERTINENT BACKGROUND INFORMATION

The petition decision mailed November 8, 2007 set forth that the originally filed petition failed to comply with conditions set forth under section II. items 5. through 5.3, 6.2 and 6.5 above.

The Pre-Examination Search Document filed December 8, 2007 has been amended to reflect that the required updated searches were conducted. Therefore, the new IDS taken together with the amended Pre-Examination Search Document and petitioner's remarks, are deemed to meet the requirements of items 5. through 5.3.

However, the requirements in section II, items 6.2 have not been met by the December 5, 2007 Amended Accelerated Examination Support Document. As set forth in the decision mailed November 8, 2007, the original Accelerated Examination Support Document (AESD) failed to specify where each disclosed limitation is found in each cited reference and to provide a detailed explanation of how each of the claims are patentable over each of the references cited with the particularity required by 37 CFR 1.111(b) and (c) . Specifically, petitioner was advised that only 2 of the cited references were discussed and that the originally filed AESD failed to include the necessary discussion of claims 1-6 as related to the other 23 cited refences, because those references were not filed in a separate IDS at the time of filing. A review of the Amended Accelerated Examination Support Document filed December 5, 2007 finds that section 9(A) states that an Information Disclosure Statement "has been filed concurrently herewith that identifies only generally related subject matter of the claims" as well as a new IDS citing the three references listed in section 9(A). Applicant then provides a listing of the two formerly discussed references (Al Azam and Doyle), along with one new reference (Smith). While applicant has provided necessary details in accordance with items 6.2 and 6.3 for these three references cited in section 9(A), there remains the fact that the previously cited 23 references on the originally filed IDS have not been further discussed in items 9(B) or 9(C), as required in the decision mailed November 8, 2007. It is not sufficient to now list those references on a separate IDS. Since all references were cited in an original IDS in support of the AESD at the time of filing, **all originally cited references must be discussed in the Amended AESD**. Accordingly, the Accelerated Examination Support Document remains deficient for failing to include any discussion of the other originally cited 23 references. In accordance with items 6.2, the necessary detailed discussions must be in regard to **each** cited reference.

Regarding the requirement in item 6.5 above, the amended "Accelerated Examination Support Document", part 9(E) is now deemed to meet the requirements of item 6.5.

DECISION

Accordingly, the petition taken together with the request for reconsideration is **denied**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

/Krista Zele/

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/857,395	09/18/2007	Tye Rubins	058699-012601	1808

33717 7590 02/04/2008
GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

EXAMINER

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
02/04/2008	PAPER

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

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

United States Patent and Trademark Office

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GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA CA 90404

In re Application of:
Tye RUBINS, et al.
Serial No.: 11/857,395
Filed: September 18, 2007

Title: **AUDIO COORDINATED VISUAL INDICATOR**

CORRECTED
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 December 5, 2007 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). This corrected decision replaces the decision mailed December 31, 2007. The decision mailed December 31, 2007 is VACATED.

All of the requirements to correct the deficiencies outlined in the petition decision mailed November 7, 2007 have been met.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-3068.

/Krista Zele/

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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GE HEALTHCARE BIO-SCIENCES CORP.
PATENT DEPARTMENT
101 CARNEGIE CENTER
PRINCETON, NJ 08540

Mail Date: 04/20/2010

Applicant	: SUDHAKAR RAO TAKKELLAPATI	: DECISION ON REQUEST FOR
Patent Number	: 7655792	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/857,468	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **198** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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 DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 7/28/2009
Patent No. : 7,531,942 B2
Serial No. : 11/857,497
Inventor(s) : Hamasaki et al.
Issue Date : May 12, 2009
Title : **ULTRASONIC ROTARY DRIVE DEVICE**
Doc./File No. : **P32495**

Re: Certificate of Correction (Reconsideration)

Consideration has been given your request for a certificate of correction (reconsideration), for the above-identified patent under the provisions of Rule 1.322 and 1.323.

Respecting, the alleged error in the omission of priority data, section 119 of 35 U.S.C. requires that both a claim for priority and a certified copy of the foreign application be filed in order that a patent issue with this data. No record can be found of a certified copy of foreign application No. JP 2006-254744. No correction is in order here.

In view of the foregoing, your request is hereby denied.

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch, including the current fee of 100.00 if necessary.

Ernest C. White, *LIE* (703) 756-1590
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

ecw

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/10/2009

TO SPE OF : ART UNIT 2834 (2800)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/857,497 Patent No.: 7,531,942

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

* Ok to enter the Application Priority Data as requested?

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

Thank You For Your Assistance

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

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

Comments: _____

SPE Walter Benson **ART UNIT** 2837

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SUITE 200
AUSTIN TX 78730

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JUL 18 2008

In re Application of	:
Thomas Puthanangady et al.	:
Application No. 11/857,499	: DECISION ACCORDING STATUS
Filed: September 19, 2007	: UNDER 37 CFR 1.47(a)
Attorney Docket No. 1035-BD4742-US	:

This is in response to the petition filed June 12, 2008 under 37 CFR 1.47(a).

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

The above-identified application was filed on September 19, 2007, without an oath or declaration. Accordingly, on December 12, 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), an oath or declaration signed by all inventors except joint inventor Sergej-Tomislav Buljan, fees and a request for a four month extension of time were filed. The petition argues that joint inventor Buljan is deceased and that the application papers were forwarded to Biljan Buljan, Mr. Buljan's wife but that Mrs. Buljan has by her actions, refused 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 Mrs. Buljan and that to date, she has not returned an executed copy of the oath or declaration.

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

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

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
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.
11/857,517	09/19/2007	Munehiro TERADA	051273-0365239	1067

7590 10/30/2009
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER
BANKS HAROLD, MARSHA DENISE

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
10/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

COPY MAILED

APR 2 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Andrew D. BICEK, et al	:	
Application No. 11/857,531	:	DECISION ON PETITION
Filed: September 19, 2007	:	TO WITHDRAW
Attorney Docket No. 760-49 DIV	:	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 17, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Anna-Lisa Gallo does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

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

MAILED

JUN 02 2010

OFFICE OF PETITIONS

In re Application of
Okumura, et al.
Application No. 11/857,576
Filed: September 19, 2007
Attorney Docket No. TI-63247

DECISION ON PETITION
UNDER 37 CFR 1.55(c)

This is a decision on the petition under 37 CFR 1.55(c), filed March 12, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to Japanese Application No. 2006-257274, filed September 22, 2006.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign applications. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);

(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director

may require additional information where there is a question whether the delay was unintentional); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed on September 19, 2007, which is after November 29, 2000. It is further noted that the above-identified nonprovisional application was filed within 12 months of the filing date of the foreign application. On March 12, 2010, an Application Data Sheet was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of $1,410.00 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) 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 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

This application is being referred to Technology Center AU 2800, 2811 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this matter may be directed to Kenya A. McLaughlin at (571) 272-3222.

Chris Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/857,576	09/19/2007	2811	1130	TI-63247	11	2

CONFIRMATION NO. 1168

CORRECTED FILING RECEIPT

23494
TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

OC000000042231522

Date Mailed: 06/23/2010

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)

Yohichi Okumura, Nerima-Ku, JAPAN;
Josef Muenz, Muenchen, GERMANY;

Assignment For Published Patent Application

TEXAS INSTRUMENTS INCORPORATED, Dallas, TX

Power of Attorney: The patent practitioners associated with Customer Number 23494

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2006-247274 09/22/2006

If Required, Foreign Filing License Granted: 09/28/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/857,576**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Depletion Mode Field Effect Transistor for ESD Protection

Preliminary Class

257

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/857,592	09/19/2007	Hiromu Ando	Q103816	1197

7590 06/22/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
TUROCY, DAVID P

ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
06/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 06/24/2009 NFARMER
09/19/2007 INTEFSW 00009319 194880 11857592
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

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DIW Aug-08

NUTTER MCCLENNEN & FISH LLP
WORLD TRADE CENTER WEST
155 SEAPORT BOULEVARD
BOSTON MA 02210-2604

COPY MAILED

AUG 20 2008

In re Application of Soane, Berg, Kincaid, and Mowers Application Number: 11/857630 Filing Date: 09/19/2007 Attorney Docket Number: 107837-6	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a) filed on July 25, 2008.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, William A. Mowers, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioners shown, via the declaration of Charlton Shen, that a copy of the application was sent to the last known inventor on two occasions. A certified mail receipt was returned signed by the inventor after the first mailing, and the second envelope was returned as unclaimed by the USPS. The non-signing inventor failed to sign and return the declaration naming him as a joint inventor along with David S. Soane, Michael C. Berg, and Patrick Duggan Kincaid.

As such, the showing of record is that the non-signing inventor has constructively refused to join in the filing of the application.

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

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DIW Aug-08

William A. Mowers
79 Lakeview Avenue
Lynn MA 01904

COPY MAILED
AUG 20 2008

In re Application of
Soane et al.
Application No. 11/857,630
Filed: September 19, 2007
For: GREASE-RESISTANT FORMULATIONS

Dear Mr. Mowers:

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

NUTTER MCCLENNEN & FISH LLP
WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02210-2604

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FROM DIRECTOR'S OFFICE

NOV 19 2007

TECHNOLOGY CENTER 3600

SCOTT T. GRIGGS
901 MAIN STREET
SUITE 6300
DALLAS TX 75202

In re application of	:	**DECISION ON PETITION**
Brandt M. Cannici	:	**TO MAKE SPECIAL FOR**
Application No. 11/857,631	:	**NEW APPLICATION**
Filed: September 19, 2007	:	**UNDER 37 CFR 1.102**

For: SYSTEM AND METHOD FOR FACILITATING MEDIA CREATION

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

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

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

REVIEW OF FACTS

The petition in this case fails to comply with condition I.4.

As to condition I.4, claims 8 and 9 are considered independent claims because they are directed to a different statutory class than claim 5 from which they depend and do not further limit the subject matter of thereof. More specifically, claim 8 is directed toward an article of manufacture while claim 5 is directed toward a process. Claim 9 is directed toward electromagnetic signals *per se* while claim 5 is directed toward a process. Therefore, both claim 8 and claim 9 will be treated as independent claims, thereby bringing the total number of independent claims to five (5). According to condition I.4, the application must contain three or fewer independent claims; thus, this condition is not met.

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure. Given the above failure of conformance to the required maximum of three independent claims, which cannot now be remedied, the petition has not been further reviewed on the merits.

DECISION

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

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/SMD/11/14/07

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Mario Rabinowitz

Application No. 11857668

Filed: September 19,2007

Attorney Docket No.

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 15-MAY-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

PTO/SB/130 (03-08)
Approved for use through 05/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

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

Application Information

Application Number	11857668	Confirmation Number	1341	Filing Date	2007-09-19
Attorney Docket Number (optional)		Art Unit		Examiner	
First Named Inventor	Mario Rabinowitz				
Title of Invention	Control Grid Increased Efficiency & Capacity for Solar Concentrators & Similar Equipment				

Attention: Office of Petitions

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

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

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

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

Given Name	Middle Name	Family Name	Suffix
Mario		Rabinowitz	

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

Select (1) or (2) :

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

Signature	/Mario Rabinowitz/	Date (YYYY-MM-DD)	2008-05-15
Name	Mario Rabinowitz Age 71, born 1936-10-24		

PTO/SB/130 (03-08)
Approved for use through 05/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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The information provided by you in this form will be subject to the following routine uses:

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

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

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

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

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

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

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

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

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Jacques M. Dulin, Esq.
Innovation Law Group, Ltd.
237 North Sequim Avenue
Sequim, WA 98382-3456

COPY MAILED

JAN 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Marion E. Yandell	:	
Application No. 11/857,670	:	DECISION ON PETITION
Filed: September 19, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 7267-001US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 19, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by the applicant. Accordingly, the above-identified application has been accorded "special" status.

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

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

Upon completion of the pre-examination processing by the Office of Initial Patent Examining, this application will be referred to Technology Center Art Unit 3761 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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REISING ETHINGTON P.C.
P O BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: Stephanie Specht	: DECISION ON REQUEST FOR
Patent Number	: 7611272	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/857,708	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **92** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/857,726	09/19/2007	Akira GOTO	314846US2SX	1465

7590 09/28/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
COLES, EDWARD L

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
09/28/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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GE HEALTHCARE BIO-SCIENCES CORP.
PATENT DEPARTMENT
101 CARNEGIE CENTER
PRINCETON, NJ 08540

Mail Date: 04/20/2010

Applicant	: SIBYLLE HERZER	: DECISION ON REQUEST FOR
Patent Number	: 7655793	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/857,727	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **205** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.
11/857,728	09/19/2007	Ashim Kumar Ghosh	SABI-30239-2-DIV - (STC 04-	1469

27883 7590 01/26/2009
GRADY K. BERGEN
3333 LEE PARKWAY
SUITE 600
DALLAS, TX 75219

EXAMINER
WOOD, ELIZABETH D

ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
01/26/2009	ELECTRONIC

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

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

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

GRADY@INVENTLEGAL.COM
GRADY@GKBERGENLAW.COM

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wk

Mailed : 1/26/09
In re Application of
Ghosh et al.
Serial No. 11/857,728
Filed: September 19, 2007
For: Method of Hydrothermal Treatment of Phosphorus-Modified Zeolite Catalysts

: DECISION ON PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181(3) to withdraw the non-statutory obviousness double patenting (ODP) rejection.

In the office action dated February 15, 2008, claims 1-7 were provisionally rejected on non-statutory obviousness double patenting (ODP) based on application 11/195,970 (filing date 8/3/05) and application 11/316,334 (filing date 12/22/05).

Petitioner asserts that each of these applications have a filing date that is subsequent to the filing date of 5/5/05 for the parent of the present application.

The present application has a filing date of 9/19/07. The application is a divisional application of application 11/122,129 which has a filing date of 5/5/05. Applicant asserts that the present application has an effectively earlier filing date and that the provisions of MPEP 804(I) (B) (1) should therefore apply.

DECISION

There are at least two reasons for insisting upon a terminal disclaimer to overcome a nonstatutory double patenting rejection in a continuing application subject to a 20-year term under 35 U.S.C. 154(a) (2).

First, 35 U.S.C. 154(b) includes provisions for patent term extension based upon prosecution delays during the application process. Thus, 35 U.S.C. 154 does not ensure that any patent issuing on a continuing utility or plant application filed on or after June 8, 1995 will necessarily expire 20 years from the earliest filing date for which a benefit is claimed under 35 U.S.C. 120, 121, or 365(c).

Second, 37 CFR 1.321(c) (3) requires that a terminal disclaimer filed to obviate a nonstatutory double patenting rejection based on commonly owned conflicting claims include a provision that any patent granted on that application be enforceable only for and during the period that the patent is commonly owned with the application or patent which formed the basis for the rejection. 37 CFR 1.321(d) sets forth the requirements for a terminal disclaimer where the claimed invention resulted from activities undertaken within the scope of a joint research agreement. These requirements serve to avoid the potential for harassment of an accused infringer by multiple parties with patents covering the same patentable invention**. See, e.g., *In re Van Ornum,* 686 F.2d 937, 944-48, 214 USPQ 761, 767-70 (CCPA 1982). Not insisting upon a terminal disclaimer to overcome a nonstatutory double patenting rejection in an application subject to a 20-year term under 35 U.S.C. 154(a)(2) would result in the potential for the problem that 37 CFR 1.321(c)(3) was promulgated to avoid.

A terminal disclaimer under 37 CFR 1.321 is required in an application to overcome a nonstatutory double patenting rejection, even if the application was filed on or after June 8, 1995 and claims the benefit under 35 U.S.C. 120, 121, or 365(c) of the filing date of the patent or application which forms the basis for the rejection.

Accordingly, the petition to withdraw the non-statutory obviousness double patenting (ODP) rejection is **DISMISSED**.

Jacqueline M. Stone

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

GRADY K. BERGEN
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SUITE 600
DALLAS TX 75219

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APR 12 2010

OFFICE OF PETITIONS

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

In re Application of
Junyi Li, et al.
Application No. 11/857,761
Filed: September 19, 2007
Attorney Docket No. 061818

DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed December 21, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

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

This application is being forwarded to Technology Center Art Unit 2463 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/857,761	09/19/2007	2463	1780	061818	25	5

CONFIRMATION NO. 1526

CORRECTED FILING RECEIPT

23696
QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

OC000000040955790

Date Mailed: 04/05/2010

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)

Junyi Li, Bedminister, NJ;
Arnab Das, Summit, NJ;
Rajiv Laroia, Far Hills, NJ;

Assignment For Published Patent Application

QUALCOMM INCORPORATED, San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number 23696

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/845,939 09/19/2006
and is a CIP of 11/266,643 11/03/2005
which is a CON of 10/964,908 10/14/2004 PAT 6,993,333
which claims benefit of 60/511,964 10/16/2003

Foreign Applications

If Required, Foreign Filing License Granted: 10/02/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/857,761**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

OFFSETTING BEACON POSITIONS IN A TIME DIVISION DUPLEX COMMUNICATION SYSTEM

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/857,767	09/19/2007	Robert P. Morris	I498/US	1533

49277 7590 02/25/2010
SCENERA RESEARCH, LLC
111 CORNING RD.
SUITE 220
CARY, NC 27518

EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
02/25/2010	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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MAILED

FEB 25 2010

Technology Center 2100

SCENERA RESEARCH, LLC
111 Corning Road
Suite 220
Cary, NC 27511

In re Application of:
MORRIS, Robert et al.
Application No. 11/857,767
Filed: September 19, 2007
For: METHOD AND SYSTEM FOR PRESENTING A HOTSPOT IN A HYPERVIDEO STREAM

DECISION ON PETITION UNDER 37 C.F.R. § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on January 13, 2010.

The petition is **GRANTED**.

Pursuant to applicant's request filed on January 13, 2010, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of six (6) months from January 13, 2010. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Eddie C. Lee whose telephone number is (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100
(571) 272-1732

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/857,834	09/19/2007	Kazuo TOMONO	1046.1442	1645

7590 03/20/2009
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
ETIENNE, ARIO

ART UNIT	PAPER NUMBER
2457	

MAIL DATE	DELIVERY MODE
03/20/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Tomi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 03/20/2009 NFARMER
09/20/2007 INTEFSW 00001628 193935 11857834
02 FC:1111 500.00 CR

Adjustment date: 03/20/2009 NFARMER
10/11/2007 AGOITOM 00000032 193935 11857834
01 FC:1201 200.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/857,848	09/19/2007	Takashi SUZUKI	314863US2	1663

7590 02/24/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
ANGEBRANNDT, MARTIN J

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
02/24/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 02/23/2009 BPOWELL
09/20/2007 INTEFSW 00001751 11857848
02 FC:1111 -500.00 OP
04 FC:1201 -400.00 OP

Adjustment date: 02/23/2009 BPOWELL
09/20/2007 INTEFSW 00001751 11857848
02 FC:1111 -500.00 OP
04 FC:1201 -400.00 OP

FORM PET651G (Rev. 08/07)

Refund Ref:
02/23/2009 0030066936

Credit Card Refund Total: $900.00

Am Exp..: XXXXXXXXXXX1000

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GE HEALTHCARE BIO-SCIENCES CORP.
PATENT DEPARTMENT
101 CARNEGIE CENTER
PRINCETON, NJ 08540

Mail Date: 04/20/2010

Applicant	: SUDHAKAR RAO TAKKELLAPATI	: DECISION ON REQUEST FOR
Patent Number	: 7655794	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/857,882	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **205** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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MURATA MACHINERY, LTD.
(MURATEC) c/o KEATING & BENNETT LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Akinori NISHIDA	: DECISION ON REQUEST FOR
Patent Number	: 7664409	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/857,893	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **378** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

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MAR 0 5 2008

OFFICE OF PETITIONS

In re Application of

PIGANELLI, Jon D. et al.
Application No. 11/857,949
Filed: September 19, 2007
Attorney Docket No. **59062.00013.CON1**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 04, 2008.

The request is **APPROVED**.

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

The request was signed by Trevor Coddington on behalf of all attorneys of record who are associated with customer No. 36183. All attorneys/agents associated with the Customer Number 36183 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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 Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JON D. PIGANELLI**
C/O CHILDREN'S HOSPITAL PITTSBURGH
3460 FIFTH AVENUE
PITTSBURGH, PA 15213

cc: **KENNETH JENKINS, ESQ.**
TOWNSEND & TOWNSEND & CREW LLP
12730 HIGH BLUFF DRIVE
SUITE 400
SAN DIEDO, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709

OCT 25 2007

In re Application of	:
Bruce Kevin Waggoner	:
Serial No.: 11/857,958	: PETITION TO MAKE SPECIAL
Filed: September 19, 2007	:
Attorney Docket No.: 4237-101-CON	:

This is a decision on the petition filed on October 16, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it is not a new application filed electronically having a petition to make special included with the application papers. The petition was filed separately and lacks the required Pre-examination Search and Support Documents.

The application will therefore be taken up by the examiner for action in its regular turn, when complete.

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

William R. Dixon, Jr.
Special Program Examiner
Technology Center 5000

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DAVID L. GARRISON
PO BOX 16100
SUITE 3300
SEATTLE, WA 98116

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APR 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Rasumessen J. Randall	:	
Application No. 11/857,996	:	DECISION ON PETITION
Filed: September 19, 2007	:	
Attorney Docket No. 50208.0001USU1	:	

This is a decision on the petition under 37 CFR 1.182, filed, February 17, 2009, to change the name of inventor "Rasumessen J. Randall" to – Randall J. Rasumessen --.

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. In this instance, the fee required by law is $400.

A review of the record shows that the petitioner failed to submit the required fee $400 under 37 CFR 1.17(f) for the identified petition. An additional $270 is required to meet the fee requirements. If petitioner intends to submit a renewed petition the $270 fee deficiency must be submitted along with the petition. No consideration on the merits can be given on for the above identified petition until the required fee is received.

Further, the request could not be granted because the petitioner has not provided a new oath or application data sheet showing the correct order of applicant's name. A further review of the oath or declaration filed November 28, 2007 shows that the inventors name is listed as "Rasmussen J. Randall", even though it was signed at "Randall J. Rasmussen".

In view of the above, the petition under § 1.182 cannot be granted at this time to change the inventor's name.

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

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES CA 90010

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of
Kong et al
Application No. 11/858,008
Filed: September 19, 2007
Attorney Docket No. 2448.01

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed December 8, 2008, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3724 for appropriate action by the Examiner in the normal course of business on the reply received September 16, 2009.

/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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/858,017	09/19/2007	Jin-Yong KIM	678-3060 (P14591)	1962

7590 11/26/2008
THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE, NY 11553

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/26/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/28/2008 0030063976

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1011

Adjustment date: 11/28/2008 NFARMER
09/20/2007 INTEFSW 00003033 11858017
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

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MAR 03 2008

OFFICE OF PETITIONS

In re Application of	:	
Hsiao, et al.	:	DECISION ACCORDING STATUS
Application No. 11/858,031	:	UNDER 37 CFR 1.47(a)
Filed: September 19, 2007	:	
Attorney Docket No. 02495.000045	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 1, 2008.

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

Petitioner has demonstrated that inventor Goel has refused to sign the declaration after having been presented with the application papers. Specifically, petitioner has included a copy of a written refusal by Goel.

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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RAJIV GOEL
914 E EVELYN AVE
SUNNYVALE CA 94086

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MAR 03 2008

OFFICE OF PETITIONS

In re Application of Man-Tung T. Hsiao, Lisa H. Nguyen, Yung-Ching Tseng, Rajiv Goel Application No. 11/858,031 Filed: September 19, 2007 Title: Circuit Bundle for Resiliency/Protection of Circuits	LETTER

Dear Mr. Goel:

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAR 29 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of	:	
LEE, MOON IL et al	:	DECISION ON REQUEST TO
Application No. 11/858,049	:	PARTICIPATE IN PATENT
Filed: September 19, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 2101-3382	:	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 04, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APR 27 2010
OFFICE OF PETITIONS

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

In re Application of :
Masahito Satoh et al :
Application No. 11/858,052 : ON PETITION
Filed: September 19, 2007 :
Attorney Docket No. TI-34055A

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 25, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2476 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

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

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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

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FEB 15 2008

OFFICE OF PETITIONS

In re Application of
Chong, Kao, McKay, Litza, Modlin, Parekh, Swiatowiec, and Shan
Application No.: 11/858,064
Filed: September 19, 2007
Attorney Docket No: NNEX0038
For: HIGH DENSITY INTERCONNECT SYSTEM HAVING RAPID FABRICATION CYCLE

: DECISION REFUSING
: RULE 47(a) STATUS

This is a decision on the petition under 37 CFR 1.47(a) filed January 28, 2008.

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 September 19, 2007, without a properly executed declaration. A Notice to File Missing Parts of Non-Provisional Application was mailed on September 28, 2007, indicating that a properly executed declaration was required along with payment of a surcharge. On January 28, 2008, the instant petition was filed, along with a request for an extension of time within the second 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 item (1) as set forth above.

As to item (1), the statement of the alleged unavailability or constructive refusal of inventor Swiatowiec is not sufficient because it does not detail petitioner's effort to locate the non-signing inventor or make clear that the actions of the inventor constitute a constructive refusal. Petitioner established that a complete copy of the application papers was sent to inventor Swiatowiec, but that the package was returned as undeliverable. Petitioner does not indicate whether the inventor Swiatowiec refused the package—in which case there would have been a constructive refusal under 37 CFR 1.47—or whether the address was incorrect in which case petitioner must demonstrate that other efforts were made to locate inventor Swiatowiec. 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.

Section 409.03(d) of the *Manual of Patent Examining Procedure* (MPEP) also provides, in pertinent part, that:

> [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 paper should be sent to the last known address of the non-signing inventor . . .
>
> 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 renewed petition under 37 CFR 1.47(a) filed must be accompanied by a statement establishing either that a diligent effort was made to locate inventor Swiatowiec or that he has refused to join the prosecution of the application.

The fee for the instant petition is $200.00 Deposit account 07-1445 will be charged an additional $70.00, accordingly.

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

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of
Chong, Kao, McKay, Litza, Modlin, Parekh, Swiatowiec, and Shan
Application No.: 11/858,064
Filed: September 19, 2007
Attorney Docket No: NNEX0038
For: HIGH DENSITY INTERCONNECT SYSTEM HAVING RAPID FABRICATION CYCLE

: DECISION ACCORDING RULE 47(a) STATUS

This is in response to the renewed petition under 37 CFR 1.47(a), filed April 15, 2008.

The renewed petition is **GRANTED**.

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

The above-identified application was filed on September 19, 2007, without a properly executed declaration. A Notice to File Missing Parts of Non-Provisional Application was mailed on September 28, 2007, indicating that a properly executed declaration was required along with payment of a surcharge. On January 28, 2008, a petition under 37 CFR 1.47 was filed, along with a request for an extension of time within the second month. The petition was dismissed by a decision mailed February 15, 2008.

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

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

This application will be forwarded to the Office of Patent Application Processing for further processing.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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.

WPAT, PC
7225 BEVERLY ST.
ANNANDALE VA 22003

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MAR 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Feng-Chih Yeh	:	
Application No. 11/858,070	:	DECISION ON PETITION
Filed: September 19, 2007	:	PURSUANT TO
Attorney Docket No. 18906-082	:	37 C.F.R. § 1.182
Title: METHOD FOR DETERMINING	:	
MULTIPLE TOUCH INPUTS ON A	:	
RESISTIVE TOUCH SCREEN AND A	:	
MULTIPLE TOUCH CONTROLLER	:	

This is a decision on the petition filed February 20, 2008, entitled "PETITION UNDER 37 C.F.R. 1.53(e) FOR STORING (sic) ORIGINAL FILING DATE," requesting that the above-identified application be accorded a filing date of September 19, 2007. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182.

The petition is **GRANTED-IN-PART**.

The application was deposited on September 19, 2007. However, on September 28, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application - Filing Date not Granted" (notice) stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the depositing of drawings. The notice set a two-month period for response.

On November 7, 2007, Petitioner submitted a set of drawings, along with an assertion that these drawings were presented on filing. On November 14, 2007, the Office mailed a filing receipt, indicating that this application had been accorded a filing date of November 14, 2007.

On February 20, 2008, Petitioner filed the present petition, and has asserted that drawings are not required. Petitioner has indicated that the present application is directed towards a method. M.P.E.P. § 608.02 states, *in pertinent part*:

An OIPE formality examiner should not treat an application without drawings as incomplete if drawings are not required. A drawing is not required for a filing date under 35 U.S.C. 111 and 113 if the application contains:

(A) at least one process claim including the term "process" or "method" in its introductory phrase;
(B) at least one composition claim including the term composition," "compound," "mixture" or "pharmaceutical" in its introductory phrase;
(C) at least one claim directed to a coated article or product or to an article or product made from a particular material or composition (i.e., an article of known and conventional character (e.g., a table), coated with or made of a particular composition (e.g., a specified polymer such as polyvinyl-chloride));
(D) at least one claim directed to a laminated article or product (i.e., a laminated article of known and conventional character (e.g., a table)); or
(E) at least one claim directed to an article, apparatus, or system where the sole distinguishing feature is the presence of a particular material (e.g., a hydraulic system using a particular hydraulic fluid, or a conventional packaged suture using a particular material).

For a more complete explanation about when a drawing is required, see MPEP 601.01(f). For applications submitted without all of the drawings described in the specification, see MPEP § 601.01(g).

If an examiner determines that a filing date should not have been granted in an application because it does not contain drawings, the matter should be brought to the attention of the supervisory patent examiner (SPE) for review. If the SPE decides that drawings are required to understand the subject matter of the invention, the SPE should return the application to OIPE with a typed, signed, and dated memorandum requesting cancellation of the filing date and identifying the subject matter required to be illustrated.

Pursuant to this section of the M.P.E.P., it has been PTO practice to treat an application that contains at least one compound, composition, or method claim as an application for which a drawing is not necessary for an understanding of the invention under the first sentence of 35 U.S.C. § 113. A review of the record reveals that the application contains claims that are directed towards a method. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention.

The application, as originally filed, is entitled to a filing date of September 19, 2007.

The notice mailed on September 28, 2007, was sent in error, and is hereby **VACATED**. As such, no petition fee is necessary, and the petition fee will be refunded via the issuance of a Treasury Check in due course.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing with a filing date of September 19, 2007, using the application papers filed on that date. OPAP will then mail a corrected filing receipt.

The drawings that were submitted on November 7, 2007 will not be entered at the present time[1]. A preliminary amendment requesting the entry of these drawings should be filed before first action on the merits. Any such amendment will, of course, be reviewed by the examiner for new matter[2]. The amendment is not new matter if the substance was a part of the disclosure of the prior application.

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

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1 With the submission of November 7, 2007, Petitioner submitted a copy of an electronic acknowledgement receipt dated September 19, 2007, which evinces that a one-page document entitled "Drawing8.pdf" was received on September 19, 2007, and this file was 235,113 bytes in size. Petitioner also submitted 8 pages of drawings on November 7, 2007, and the Office mailed an electronic acknowledgement receipt, which set forth that an eight-page document entitled "Drawing8.pdf" was received, and this file was 870,162 bytes in size. As such, it does not appear that 8 pages of drawings were submitted on filing.
2 See M.P.E.P. §§ 608.02(h) and 608.04.

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

cc: WPAT, P.C.
1940 Duke Street
Suite 200
Alexandria, VA 22314

---

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

SCHLUMBERGER K.K.
2-2-1 FUCHINOBE
SAGAMIHARA-SHI, KANAGAWA-KEN 229-0-006 JP JAPAN

In re Application of	:	
Kazumasa KANAYAMA et al.	:	
Application No. 11/858,138	:	DECISION ON PETITION
Filed: September 20, 2007	:	
Attorney Docket No. 26.0327 US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 19, 2010 and resubmitted February 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 15, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed October 15, 2009. Accordingly, the date of abandonment of this application is January 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

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

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

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALLERGAN, INC.
2525 DUPONT DRIVE, T2-7H
IRVINE CA 92612-1599

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JUN 23 2009

OFFICE OF PETITIONS

In re Application of :
Heidelbaugh, et al. :
Application No. 11/858,191 : DECISION ON PETITION
Filed: September 20, 2007 :
Attorney Docket No. 17496CIPCIPDIV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

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

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and the publication fee of $300.00, (2) the petition fee of $1,620.00; and (3) an acceptable statement of unintentional delay.

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

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DEC 07 2007
OFFICE OF PETITIONS

In re Application of
Ehsan Filsouf
Application No. 11/858,232
Filed: September 20, 2007
Attorney Docket No. FEH-0003-P

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 20, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3732 for action on the merits commensurate with this decision.

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

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OFFICE OF PETITIONS

In re Application of	
Le Roy Meddock et al	
Application No. 11/858,257	DECISION ON PETITION
Filed: September 20, 2007	TO WITHDRAW
Attorney Docket No. 26609-4	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 July 20, 2009.

The request is **APPROVED**.

The request was signed by David N. Makous on behalf of the practitioners of record who are associated with customer No. 33417.

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: Le Roy Meddock
3230 Production Avenue
Oceanside, CA 92054

cc: Hepo Filters, Inc.
2510 Main Street
Santa Monica, CA 90405

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
11/858,257	09/20/2007	Le Roy Meddock	26609-4

CONFIRMATION NO. 2455

POWER OF ATTORNEY NOTICE

33417
LEWIS, BRISBOIS, BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET
SUITE 1200
LOS ANGELES, CA 90012

OC000000037607040

Date Mailed: 09/03/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2009.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/858,257	09/20/2007	Le Roy Meddock	26609-4

CONFIRMATION NO. 2455

POA ACCEPTANCE LETTER

Le Roy Meddock
3230 Production Avenue
Oceanside, CA 92054

OC000000037607089

Date Mailed: 09/03/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2009.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 07 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Meddock et al.	:	DECISION ON PETITION
Application No. 11/858,257	:	TO WITHDRAW
Filed: September 20, 2007	:	FROM RECORD
Attorney Docket No. 26609-4	:	

This is a decision on the Request for Withdrawal as Attorney or Agent of Record under 37 C.F.R. § 1.36(b), filed March 1, 2010.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that a Request for Withdrawal as Attorney or Agent was submitted by the petitioner on July 20, 2009. Further, the request was approved on September 4, 2009. It is unclear why a duplicate request for withdrawal was submitted. 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 properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: LE ROY MEDDOCK
3230 PRODUCTION AVENUE
OCEANSIDE CA 92054

UNITED STATES PATENT AND TRADEMARK OFFICE

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FITCH EVEN TABIN & FLANNERY
PO BOX 18415
WASHINGTON DC 20036

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MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Mochizuki, et al.	:	
Application No. 11/858,328	:	DECISION ON PETITION
Filed: September 20, 2007	:	
Attorney Docket No. 8612/91553	:	

This is a decision on the petition filed "PRELIMINARY AMENDMENT AND RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION", filed October 10, 2007, which is properly treated as a petition under 37 CFR 1.182 requesting that the above-identified application be accorded a filing date of September 20, 2007.

The instant application was deposited on September 20, 2007. However, the application omitted a copy of the drawings. Accordingly, on October 3, 2007,. the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", requiring drawings and stating that the filing date would be the date of receipt of the drawings.

In response, petitioner filed drawings and the instant response on October 10, 2007. Petitioner points out that drawings were incorporated by reference pursuant to a priority claim under 37 CFR 1.55, and an explicit incorporation by reference statement.

With respect to the practice of incorporation by reference, the Manual of Patent Examining Procedure states:

> For an application filed on or after September 21, 2004, if the material needed for a filing date is completely contained within a prior-filed application to which benefit is claimed, applicant may file a petition under 37 CFR 1.57(a)(3) along with the fee set forth in 37 CFR 1.17(f) and an amendment with the inadvertently omitted material requesting that the amendment be entered and the application be accorded a filing date as of the original date of deposit of the application papers. See 37 CFR 1.57(a)(3) and MPEP § 201.17. **In an application containing an explicit incorporation by reference statement in the specification or in a transmittal letter (if the transmittal letter was filed prior to September 21, 2004), a petition for the granting of a filing date may be made under 37 CFR 1.182.** A petition under 37 CFR 1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application based upon the incorporation by reference statement, is required in order to accord the application a filing date as of the date of deposit of the continuation or divisional application. An amendment submitting the omitted material and relying upon the incorporation by reference will not be entered in the continuation or divisional application unless a decision granting the petition states that the application is accorded a filing date and that the amendment will be entered.[1]

Incorporation by reference is intended as a safeguard to protect an applicant who in a continuation or divisional application has omitted a "portion" of the application on filing.[2] Here, petitioner omitted drawings in their entirety. As at least one drawing was necessary to accord the instant application a filing date (or method claims or claims related to a process or composition), no filing date was able to be accorded at the time of filing. However, the Preliminary Amendment reveals that petitioner properly incorporated Japanese Applications JP 2006-255618 and JP 2007-239258 pursuant to an explicit incorporation

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[1] MPEP 201.06(c)(emphasis added).

[2] See id.

by reference statement. In addition, petitioner has submitted the omitted drawings, paid the $400 petition fee, and submitted an amendment seeking entry of the drawings. Accordingly, the above identified application is entitled to a filing date of September 20, 2007.

In view thereof, the petition is **GRANTED**.

The $400 petition fee has been charged to Deposit Account No. 06-1135, as authorized. In addition, the $310 basic filing fee has been charged to the deposit account.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with a filing date of September 20, 2007, using the application papers received in the Office on that date and the 4 drawing sheets supplied on petition filed October 10, 2007. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 1 9 2010

Conley Rose P.C.
David A. Rose
P.O. Box 3267
Houston, TX 77253-3267

In re Application of	:	
Scott D. McDonough et al.	:	RESPONSE TO PETITION
Application No. 11/858,359	:	TO EXPUNGE FILED
Filed: September 20, 2007	:	UNDER 37 CFR 1.59(b)
For: ROCK BIT AND INSERTS WITH A CHISEL	:	
CREST HAVING A BROADENED REGION	:	

This is a response to the petition under 37 CFR 1.59(b), filed on January 25, 2010, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that documents filed with a Supplemental Information Disclosure Statement filed January 25, 2010, are considered to be trade secret material, proprietary information, and/or subject to a protective order, have not been otherwise made public, and that they be expunged from the record if not found to be material to the patentability of the application. The proprietary document was filed in accordance to MPEP § 724. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

In the meantime, the document will be closed whereby any non-Patent and Trademark Office personnel will be precluded from viewing or having access to the document, such as via public PAIR.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

Dave Talbott, Director
Patent Technology Center 3600
(571) 272-5150

SM/sm: 2/4/10

SM

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United States Patent and Trademark Office
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www.uspto.gov

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

Mail Date: 04/21/2010

Applicant	: Alexander Manu	: DECISION ON REQUEST FOR
Patent Number	: 7625195	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/858,398	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/20/2007	: 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
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Alexandria, VA 22313-1450
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Paper No.

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APR 14 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Akasaka et al.	:	
Application Number: 11/858404	:	NOTICE
Filing or 371(c) Date: 09/20/2007	:	
Attorney Docket Number: 314728US8	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed on February 5, 2010.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas Wood
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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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: Anlong Ouyang	: DECISION ON REQUEST FOR
Patent Number	: 7655429	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/858,426	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **301** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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WPAT, PC
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2030 MAIN STREET, SUITE 1300
IRVINE, CA 92614

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SEP 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Chun Hung Ko, et. al.	:	
Application No. 11/858,442	:	ON PETITION
Filed: September 20, 2007	:	
Attorney Docket No. 18506-084	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on July 23, 2009, to revive the above-identified application.

The application became abandoned for failure to respond to the Notice of Allowability mailed March 24, 2009. A Notice of Abandonment was mailed on July 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of one sheet of replacement drawing containing Figure 9; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of $1,510 for payment of the issue fee and $300 for payment of the publication fees submitted on April 2, 2009.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 08/04/2010

Applicant	: Jong-oh KIM	: DECISION ON REQUEST FOR
Patent Number	: 7653338	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/858,464	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **161** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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ALEXANDRIA, VA 22313-1450
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COOL PATENT, P.C.
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of :
Assaf Gurevitz : DECISION ON PETITION
Application Number: 11/858471 :
Filing Date: 09/20/2007 :
Attorney Docket Number: P25930 :
:

This is a decision on the petition filed on September 2, 2009, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on December 3, 2007, for failure to timely file a response to the Notice to File Corrected Application Papers mailed on October 2, 2007, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on June 6, 2008.

Receipt of the executed declaration pursuant to 37 CFR 1.63 and late filing surcharge is acknowledged.

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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)).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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[2] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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Paper No.

FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN MI 48126

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OFFICE OF PETITIONS

In re Application of :
Jens Dornhege, Torsten Wey, :
Timothy Gerard Offerle, Brad G. :
Hochrein, Rakan C. Chabraan, :
and Kirt L. Eschtruth :
Application No. 11/858,473 :
Filed: September 20, 2007 :
Attorney Docket No. 81162918 :
Title: METHOD FOR COMPENSATING :
FOR DRIVE INFLUENCES ON THE :
STEERING SYSTEM OF A VEHICLE :
USING AN ELECTRIC POWER :
STEERING SYSTEM :

DECISION ON PETITION
UNDER 37 C.F.R. § 1.47(A)

This is in response to the petition under 37 C.F.R. § 1.47(a)[1], filed December 18, 2007.

1A grantable petition under 37 C.F.R. §1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;

The petition is **DISMISSED**.

The concurrently submitted request that the non-signing inventor's "name be removed from application" (sic) is **DISMISSED**. A properly listed inventive entity will not be removed due to a failure to execute a declaration. See 37 C.F.R. § 1.48(a).

On September 20, 2007, the application was filed, identifying Jens Dornhege, Torsten Wey, Timothy Gerard Offerle, Brad G. Hochrein, Rakan C. Chabraan, and Kirt L. Eschtruth as joint inventors. The application was deposited without an executed oath or declaration. On October 2, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring a fully executed oath or declaration and the associated surcharge. This Notice set a two-month period for reply.

Along with the present petition, Petitioner has submitted the petition fee, a declaration that has been executed by each of the inventors save Mr. Chabraan along with the surcharge associated with the late submission of the same, and a statement of facts. Petitioner has further submitted a one-month extension of time so as to make timely this response.

Petitioner has met requirements (1) - (3) and (5) of Rule § 1.47(a).

Regarding the fourth requirement of Rule § 1.47(a), Petitioner has asserted that the non-signing inventor cannot be located[2]. On three separate occasions, Petitioner mailed a package to the last known address of the non-signing inventor, and these mailings "were undeliverable[3]."

As such, it is clear that Petitioner has actual knowledge that the non-signing inventor does not reside at the last known address, however it does not appear that Petitioner has made any effort to locate this individual.

Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. *Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor.* There is no indication that the Rule 47 applicant attempted to verify the address of the non-signing

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(5) a declaration which complies with 37 C.F.R. §1.63.

2 2 Page 2 of the petition.
3 Id.

inventor or to determine his forwarding address, and to send the complete application papers to that address for consideration by the inventor[4]. Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-mail, telephone, or the Internet. If it is then averred that such attempts failed, then applicant will have provided the necessary proof required pursuant to 37 C.F.R. § 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[5], hand-delivery[6], or facsimile[7]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[8].

On renewed petition, Petitioner must attempt to locate the non-signing inventor, as Petitioner has actual knowledge that the last known address is invalid. If Petitioner is able to locate this individual, he must send a complete copy of the application to that address and provide this individual with an appropriate period of time to respond before filing a renewed petition.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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4 See MPEP § 409.03(d).
5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
7 (571) 273-8300- please note this is a central facsimile number.
8 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[9]. 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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

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AUG 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Tomoaki Onoue, et al.	:	
Application No.: 11/858,489	:	ON PETITION
Filed: September 20, 2007	:	
Attorney Docket No.: P1071-1638 V5315	:	

This is a decision on the petition, filed August 7, 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 July 9, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 1796 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

BRINKS HOFER GILSON & LIONE / YAHOO! OVERTURE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Stephan Doliov	: DECISION ON REQUEST FOR
Patent Number	: 7668861	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/858,509	: OF WYETH
Filed	: 09/20/2007	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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MAY 11 2009

OFFICE OF PETITIONS

In re Application of	:	
MO, Shih et al.	:	
Application No. 11/858,540	:	DECISION ON PETITION
Filed: September 20, 2007	:	TO WITHDRAW
Attorney Docket No. **25604-12556**	:	FROM RECORD
	:	

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 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 Michael W. Farn on behalf of all attorneys of record who are associated with customer No. 00758. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SHIH MO (OF REDDOT WIRELESS INC.)**
c/o ACENET TECHNOLOGY
4677 OLD IRONSIDE DR.
SANTA CLARA, CA 95054

UNITED STATES PATENT AND TRADEMARK OFFICE

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C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

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OFFICE OF PETITIONS

In re Application of	:	
Rucigay, et al.	:	ON PETITION
Application No.: 11/858,619	:	
Filed: September 20, 2007	:	
Attorney Docket No.: 145514	:	

A petition under 37 CFR 1.47(a) was received in the United States Patent and Trademark Office (Office) on September 20, 2007.

Petitioners are reminded that a grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee of $200 as specified in 37 CFR § 1.17(g), and
(4) the last known address of the omitted inventor.

It appears that petitioners have not submitted a properly signed petition. **The petition is not signed**. Petitioners should review 37 CFR 1.4(d)(2).

The merits of the petition will not be addressed until a properly signed petition is submitted. The petition fee will be charged once a properly signed petition is susbmitted.

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

Petitioners must submit the petition fee within **TWO (2) months** of the mail date of this decision. **Failure to respond will result in abandonment of the application.**

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

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: DALE J. DAVIS
GE ENERGY
4200 WILDWOOD PARKWAY
MARIETTA GA 30339

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OFFICE OF PETITIONS

In re Application of
Rucigay, et al.
Application No.: 11/858,619
Filed: September 20, 2007
Attorney Docket No.: 145514

ON PETITION

This is in response to the petition under 37 CFR 1.47(a), filed December 21, 2007.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

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

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, **with a documented showing**, that a diligent effort was made to find or locate non-signing inventor Lamar Blackwell, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

MPEP 409.03(d) Proof of Unavailability or Refusal I. Inventor Cannot Be Reached states: The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The Office would like a statement from Richard J. Rucigay, as he, not Attorney Davis, was the person who conducted internet searches for Mr. Blackwell. The Office would like copies of his internet search results and would like him to fully describe his efforts to obtain Mr. Rucigay's current address.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

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FEB 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Rucigay, et al.	:	ON PETITION
Application No.: 11/858,619	:	
Filed: September 20, 2007	:	
Attorney Docket No.: 145514	:	

This is in response to the reconsideration petition under 37 CFR 1.47(a), filed February 5, 2008.

The petition is **granted**.

Petitioner has shown that the non-signing inventor, Lamar Blackwell, cannot be located to join in the filing of the above-identified application.

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

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

This application is being referred to Technology Center A.U. 2857 for examination in due course.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAMAR BLACKWELL
824 DESHANE CREEK DRIVE
LITHONIA GA 30058

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FEB 19 2008

OFFICE OF PETITIONS

In re Application of :
Rucigay, et al. :
Application No.: 11/858,619 :
Filed: September 20, 2007 :
Attorney Docket No.: 145514 :

LETTER

Dear Mr. Blackwell:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Attorneys of record: GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

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

DONALD J. ERSLER, S.C.
725 GARVENS AVENUE
BROOKFIELD, WI 53005

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OCT 15 2007

OFFICE OF PETITIONS

In re Application of

Emil Ruzicka
Application No. 11/858,639
Filed: September 20, 2007
Attorney Docket No. 1745

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 20, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

Applicant is advised that the photocopy of applicant's certificate of naturalization was not legible. Applicant's statement by the attorney of record is sufficient evidence 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 Initial Patent Examining, this application will be referred to Technology Center Art Unit 3643 for action on the merits commensurate with this decision.

Kimberly Inabinet
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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BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

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JUN 24 2008

OFFICE OF PETITIONS

In re Application of :
Katsuyuki Kuramoto :
Application No. 11/858,667 : DECISION REFUSING STATUS
Filed: September 20, 2007 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 076376.0844 :
For: **RADIO-FREQUENCY TAG COMMUNICATION DEVICE**

This is a decision on the petition under 37 CFR 1.47(b), filed May 9, 2008.

The renewed petition under 37 CFR 1.47(b) 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(b).

The above-identified application was filed on September 20, 2007, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on October 9, 2007, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. A petition was filed on May 9, 2008, with a request for an extension of time within the fifth month.

A grantable petition under 37 CFR 1.47(b) 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,

(5) proof of proprietary interest, and

(6) a showing (statement) that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The instant petition lacks item (2) set forth above.

As to item (2), the declaration filed with the instant petition cannot be accepted until the assignee demonstrates that it has the power to prosecute the application. Section 409.03(b) of the *Manual of Patent Examining Procedure* provides, in pertinent part, that, "[w]here the oath or declaration is being signed on behalf of an assignee, see MPEP 324." Section 324 of the Manual of Patent Examining Procedure cites 37 CFR 3.71(c) which states that, "[a]n assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee." Petitioner should note that 37 CFR 3.73 requires that before an assignee can take action in a patent matter, the assignee must establish ownership of the patent property in accordance with 37 CFR 3.73(b)(1)(i) or (ii). No statement or certificate meeting the requirements of 37 CFR 3.73 was found with the petition. Petitioner must properly establish ownership of the patent property before the assignee will be granted authority under 37 CFR 1.47(b) to prosecute the application. Enclosed is a "Statement Under 37 CFR 3.73(b)" that petitioner may use to satisfy this requirement.

The declaration is also defective because the Application Data Sheet filed September 20, 2007, which is presumably to be made a part of the declaration, only provides the address of the assignee. Where, as in this case, a residential address for the inventor is known it should be provided on the Application Data Sheet. The renewed petition should be accompanied by a supplemental Application Data Sheet making this correction.

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 should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/96

PTO/SB/96 (01-08)
Approved for use through 06/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

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

Entitled:

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

states that it is:

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

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

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

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

OR

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

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

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

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

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

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

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

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

Signature	Date
Printed or Typed Name	Telephone Number
Title	

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

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SEP 30 2008

In re Application of	:
Katsuyuki Kuramoto	:
Application No. 11/858,667	: DECISION REFUSING STATUS
Filed: September 20, 2007	: UNDER 37 CFR 1.47(b)
Attorney Docket No. 076376.0844	:

For: **RADIO-FREQUENCY TAG COMMUNICATION DEVICE**

This is a decision on the renewed petition under 37 CFR 1.47(b), filed September 2, 2008.

The renewed petition under 37 CFR 1.47(b) 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(b).

The above-identified application was filed on September 20, 2007, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on October 9, 2007, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. A petition was filed on May 9, 2008, with a request for an extension of time within the fifth month.

A grantable petition under 37 CFR 1.47(b) 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,

(5) proof of proprietary interest, and

(6) a showing (statement) that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The instant petition lacks item (2) set forth above.

The supplemental Application Data Sheet (ADS) filed September 2, 2008, is defective because it is not signed. Further to this point, 37 CFR 1.33(b) provides that:

> (b) *Amendments and other papers.* Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
>
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
>
> (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34;<
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
>
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The renewed petition must be accompanied by a Supplemental ADS that is signed in accordance with 37 CFR 1.33(b) cited above.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

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OCT 28 2008

OFFICE OF PETITIONS

In re Application of :
Katsuyuki Kuramoto :
Application No. 11/858,667 : DECISION GRANTING STATUS
Filed: September 20, 2007 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 076376.0844 :
For: **RADIO-FREQUENCY TAG COMMUNICATION DEVICE**

This is in response to the renewed petition under 37 CFR 1.47(b), filed October 10, 2008.

The renewed petition is **GRANTED**.

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

The above-identified application was filed on September 20, 2007, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on October 9, 2007, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration.

By the instant renewed petition and evidentiary documents, petitioner has established that the sole inventor has refused to join the prosecution of the application and that the 37 CFR 1.47(b) applicant has sufficient proprietary interest to proceed with prosecution of the application without the sole inventor.

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

This application will be forwarded to the Office of Patent Application Processing for further processing.

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

K. A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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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.
11/858,710	09/20/2007	Jeoung Gwen Lee	8111L-104(SLP060175US)	3249

7590 04/22/2009

Frank Chau, Esq.
F. CHAU & ASSOCIATES, LLC
13 Woodbury Road
Woodbury, NY 11797

EXAMINER
BEDTELYON, JOHN M

ART UNIT	PAPER NUMBER
2874	

MAIL DATE	DELIVERY MODE
04/22/2009	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
04/22/2009 0030069163

Credit Card Refund Total: $650.00

VISA....: XXXXXXXXXXXX2916

Adjustment date: 04/22/2009 NFARMER
09/21/2007 INTEFSW 00002580 11858710
02 FC:1111 -500.00 OP
04 FC:1202 -150.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Kunzler & McKenzie
8 EAST BROADWAY
SUITE 600
SALT LAKE CITY UT 84111

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DEC 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Morgan Andreae, et al.	:	
Application No. 11/858,728	:	DECISION ON PETITION
Filed: September 20, 2007	:	
Attorney Docket No. 8-02-12964	:	

This is a decision on the petition under 37 CFR 1.182, filed, October 7, 2009, to change the name of inventor "Bill Rankin" to – William A. Rankin --.

The petition is **DISMISSED**.

The issue fee in this application was paid on September 25, 2009. Effective May 29, 2000, the Office changed the practice by clarifying that an amendment under 37 CFR 1.312 (after allowance) must be filed prior to or with payment of the issue fee, and eliminated 37 CFR 1.312(b). Since a change to the inventor's name is an amendment to the application, and amendments are not permitted after payment of the issue fee, a petition under 37 CFR 1.182 to change the inventor's name cannot be granted.

Nevertheless, the petition may still be granted if a renewed petition under 37 CFR 1.182, along with a request for a certificate of correction and fee of $100, are submitted.

In view of the above, the petition under § 1.182 cannot be granted at this time to change the inventor's name.

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 Terri Johnson at (571) 272-2991.

Chris Bottorff
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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KUNZLER & MCKENZIE
8 EAST BROADWAY
SUITE 600
SALT LAKE CITY UT 84111

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MAY 1 4 2008

OFFICE OF PETITIONS

In re Application of BRETSCHNEIDER, DUQUETTE, EDWARDS, FERZIGER, GIBSON AND MERITHEW Application No. 11/858,739 Filed: 09/20/2007 Attorney Docket No. SJO920030069US2 Title: APPARATUS, SYSTEM, AND METHOD FOR TRANSACTIONAL PEER RECOVERY IN A DATA SHARING CLUSTERING COMPUTER SYSTEM	: : : : : : : : : : : :	ON PETITION

This is in response to the petition under 37 CFR 1.47(a), filed April 2, 2008. Applicants obtained an extension of time for response within the fourth month. Accordingly, the petition is filed timely.

The petition is **granted**.

Applicants showed that Ruth L. Ferziger, the non-signing inventor, refused to join in the above-identified application after being presented with a complete copy of the application papers and declaration for her signature.

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

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAY 1 4 2008

OFFICE OF PETITIONS

Ruth L. Ferziger
1109 Prevost Court
San Jose, California 95125

In re Application of BRETSCHNEIDER, DUQUETTE, EDWARDS, FERZIGER, GIBSON AND MERITHEW Application No. 11/858,739 Filed: 09/20/2007 Attorney Docket No. SJO920030069US2 Title: APPARATUS, SYSTEM, AND METHOD FOR TRANSACTIONAL PEER RECOVERY IN A DATA SHARING CLUSTERING COMPUTER SYSTEM	: : : : : : : : : : : :	LETTER

Dear Ms. Ferziger:

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

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

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the

application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Kunzler & McKenzie
8 East Broadway, Suite 600
Salt Lake City UT 84111

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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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

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OCT 01 2008

In re Application of :
Xiao, et al. :
Application No. 11/858,750 : ON PETITION
Filed: September 20, 2007 :
Attorney Docket No. INF-0021 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 18, 2008, to revive the above-identified application.

The petition is 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 February 21, 2008 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application mailed December 20, 2007. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time was timely filed. Notice of Abandonment was mailed September 2, 2008.

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

The instant petition lacks (1) set forth above. An acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration presented is unacceptable as it fails to comply with the requirement set forth at 37 CFR 1.63(b)(3). See, also, 1327 OG 112 (Effective June 1, 2008)(the United States Patent and Trademark Office (Office) will no longer accept as complying with 37 CFR 1.63(b)(3) an oath or

declaration that does not acknowledge a duty to disclose information material to patentability as defined in 37 CFR 1.56. All oaths or declarations filed on or after June 1, 2008, will be required to include the language expressly set forth in 37 CFR 1.63, including that in 37 CFR 1.63(b)(3). This notice applies to oaths or declarations filed in all nonprovisional patent applications, including reissue applications.).

A new oath or declaration executed by the available inventors is required upon renewed petition. Petitioners are reminded that the wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. Accordingly, a new oath or declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 executed by the inventors must be submitted.

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

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

By 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) 272-3205.

Alesia M. Brown
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
www.uspto.gov

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

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MAR 03 2009

OFFICE OF PETITIONS

In re Application of
Xiao, et al.
Application No. 11/858,750
Effective Date: September 20, 2007
Attorney Docket No. INF0021US2

DECISION ON PETITION

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

The petition is **GRANTED**.

The application became abandoned February 21, 2008 for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 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. Notice of Abandonment was mailed September 2, 2008. A petition under 37 CFR 1.137(b) was filed September 18, 2008 and dismissed October 1, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply to the Notice, (2) the required petition fee, and (3) a proper statement of unintentional delay.

The instant petition was accompanied by an additional petition fee of $810.00. As the required petition fee was previously submitted, this fee is unnecessary. Petitioners are entitled to a refund of $810.00 and may request a refund by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3205.

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

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/858,752	09/20/2007	John Safa	RC-2	3317

59830 7590 08/13/2009
TED SABETY, c/o Sabety +associates, PLLC
1130 Bedford Rd.
PLEASANTVILLE, NY 10570

EXAMINER
MACKALL, LARRY T

ART UNIT	PAPER NUMBER
2189	

NOTIFICATION DATE	DELIVERY MODE
08/13/2009	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):

TED@SABETY.NET
lkorotkin@sabety.net

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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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TED SABETY, c/o Sabety & Associates, PLLC
1130 Bedford Rd.
PLEASANTVILLE NY 10570

In re Application of:
JOHN SAFA
Serial No.: 11/858,752
Filed: September 20, 2007
Docket: RC-2
Title: SYSTEM AND METHOD TO SECURE A COMPUTER SYSTEM BY SELECTIVE CONTROL OF WRITE ACCESS TO A DATA STORAGE MEDIUM

DECISION ON PETITION TO EXPUNGE A RESPONSE TO AN OFFICE ACTION

This paper provides the decision on the petition filed March 26, 2009 under 37 C.F.R. § 1.59 to expunge the response filed March 25, 2009.

The Petition is **GRANTED.**

Applicable Prosecution History

June 10, 2008	FAOM mailed. The action included an objection to the Abstract for containing legal phraseology.
December 10, 2008	Response and Amendment to the specification filed.
March 23, 2008	Notice of Non-Compliant Amendment for lacking instruction, which unambiguously identifies the location, to delete that section of the specification and to replace such deleted section with a replacement section, and proper markings for indicating deletions and/or additions in the amendment to the specification.
March 25, 2009	Response to Notice of Non-Compliant Amendment filed.
March 26, 2009	Petition under 37 C.F.R. § 1.59 to expunge the response filed March 25, 2009 filed.

RELIEF REQUESTED

The instant petition filed under 37 CFR 1.59 to expunge the response filed March 25, 2009.

RULES AND PROCEDURE

§ 1.59 Expungement of information or copy of papers in application file.

(a)
(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.
(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.
(c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

REQUIREMENTS

A petition under 37 CFR § 1.59 must include: the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

DECISION

The petition filed March 26, 2009 includes the fee set forth in § 1.17(g) and a statement to establish to the satisfaction of the Director that the expungement of the information is appropriate. Therefore, the petition has satisfied the requirements under 37 CFR § 1.59.

For the above stated reasons, the petition is **GRANTED.**

Accordingly, the documents submitted with the response filed March 25, 2009 will be expunged from the record.

The expunged material has been closed from public view and will not be returned to applicant.

The identified documents are currently not available for public view as of August 12, 2009. It is noted that the instant application has been published on May 15, 2008. Thus, the identified documents submitted on March 25, 2009 have already been made available to the public and subject to copying by the public. According, the Office cannot guarantee that the information being closed as a result of this decision was not previously accessed by the public.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4210.

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

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

/Mano Padmanabhan/

Mano Padmanabhan,
Quality Assurance Specialist, Workgroup 2180
Technology Center 2100
Computer Architecture, Software, and Information Security

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United States Patent and Trademark Office
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NOV 19 2007

TECHNOLOGY CENTER 3600

Robert D. Fish
Fish & Associates, PC
2603 Main Street
Suite 1050
Irvine, California 92614-6232

In re application of : **DECISION ON PETITION**
Kristen A. Mangers et al. : **TO MAKE SPECIAL FOR**
Application No. 11/858,757 : **NEW APPLICATION**
Filed: September 20, 2007 : **UNDER 37 CFR 1.102**
For: SYSTEMS AND METHODS FOR HELPING ADVERTISERS TAKE ADVANTAGE OF CO-OP ADVERTISING OPPORTUNITIES

This is a decision on the petition filed on September 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

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The petition in this case fails to comply with condition I.3 above.

Because the application was filed with drawings that were not in compliance with rule 1.84a, the application is considered to be incomplete under 37 1.51 because the application was not in condition to be acted upon at the time the application was filed, as evidenced by the "Notice to File Corrected Application Papers" for non-complaint drawings dated September 25, 2007.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure. Given the above failure of filing a complete application, which cannot now be remedied, the petition has not been further reviewed on the merits.

DECISION

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. Further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/jm11/16/07

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Dr. BANGER SHIA
PATENT OFFICE OF BANG SHIA
102 LINDENCREST CT
SUGAR LAND, TX 77479-5201

MAILED

MAR 0 9 2010

OFFICE OF PETITIONS

In re Application of	:	
Chia-Sheng CHEN	:	
Application No. 11/858,773	:	DECISION ON PETITION
Filed: September 20, 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **CPE00339 (CPE-11B)**	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 5, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; 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 Technology Center AU 3782 for appropriate action by the Examiner in the normal course of business on the reply received December 20, 2009.

Thurman K. Page
Peititons Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

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JAN 29 2010

In re Application of	:	
Bozanich et al.	:	
Application No. 11/858,779	:	DECISION ON PETITION
Filed: September 20, 2007	:	TO MAKE SPECIAL
Attorney Docket No. **24731-13280**	:	37 CFR 1.102
	:	

This is a decision on the petition under 37 CFR 1.102 filed January 22, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 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 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at 571-272-3222.

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

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Anthony Knight
Supervisory Petitions Examiner
Office of Petitions

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

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of
BARLOW, Carrolee et al.
Application No. 11/858,790
Filed: September 20, 2007
Attorney Docket No. **BRAIN1310-1**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 31, 2008.

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

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on December 11, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DLA PIPER LLP (US)**
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO CA 92121-2133

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BOZICEVIC, FIELD
& FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

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DEC 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Yun	:	
Application No. 11/858,819	:	DECISION
Filed/Deposited: 20 September, 2007	:	
Attorney Docket No. PALO-018	:	

This is a decision on the petition filed on 23 October, 2009, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Requirement for Restriction mailed on 2 April, 2009, with reply due absent extension of time on or before 2 May, 2009.

The application went abandoned by operation of law after midnight 2 May,.2009.

The Office mailed the Notice of Abandonment on 15 October, 2009.

On 23 October, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), a reply in the form of an Election, and made the statement of unintentional delay.

Again, Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

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

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

---

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

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1632 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

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LEMPIA BRAIDWOOD LLC
223 W JACKSON BLVD
SUITE 620
CHICAGO IL 60606

COPY MAILED

MAY 28 2008

In re Application of Burgess, et al. Application No. 11/858,830 Filed: September 20, 2007 Attorney Docket No. 10010-06 RFS-07A	: : : : :	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed May 1, 2008.

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

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

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Rule 47 applicant has not met requirement (1) above.

Rule 47 applicant has not demonstrated diligent effort in finding non-signing inventor Sesto. With respect to showing diligent effort, "an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made."[1] Here, Rule 47 applicant states he just learned on May 1, 2008, that Sesto was located in Germany. Knowing that Sesto is now in Germany, Rule 47 applicant must provide information of the steps taken to locate him.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

[1] MPEP 409.03(d).

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LEMPIA BRAIDWOOD LLC
223 W JACKSON BLVD
SUITE 620
CHICAGO IL 60606

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DEC 2 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Burgess, et al.	:	
Application No. 11/858,830	:	DECISION NOTING JOINDER
Filed: September 20, 2007	:	OF INVENTORS AND PETITION
Attorney Docket No. 10010-06 RFS-07A	:	UNDER 37 CFR 1.47 MOOT

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 26, 2008.

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

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 application is being forwarded to Group Art Unit 3728 for docketing and examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Schlumberger Technology Corporation/Osha Liang
Mr. Bryan Galloway, Managing IP Counsel
5599 San Felipe, Suite 100
Houston, TX 77056

Applicant: Baudoin et al.
Appl. No.: 11/858,832
Filing Date: September 20, 2007
Title: SECURITY MATURITY ASSESSMENT METHOD
Attorney Docket: 09469/008002; 97.0010
Pub. No.: US 2008/0209565 A2
Pub. Date: August 28, 2008

MAILED

JUL 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 October 6, 2008, for the above-identified application.

Applicant requests that the application be republished because the patent application republication contains material errors, as paragraphs 26-37 are missing from the republication, numerous errors appear in Table 1, claim 21 includes an incorrect word and claims 31 and 47 are missing a period after the word "Model".

The request is granted-in-part.

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

The request is granted to the extent indicated below.

The errors noted by requestor with respect to claims 31 and 47 are not Office errors. The patent application publication correctly reflects claims 31 and 47.

[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).

It would greatly benefit the Office if **applicant** pointed out where the correct text appears in the application papers.

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

Inquiries relating to this matter may be directed to Michael Cygan 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

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.
11/858,833	09/20/2007	Byoung-min Chun	59982/S1187	3462

7590 11/04/2009
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
PATEL, NIMESHKUMAR D

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 11/05/2009 NFARMER
09/21/2007 INTEFSU 00003462 031726 11858833
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

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FERNANDEX & ASSOCIATES LLP
1047 EL CAMINO REAL
SUITE 201
MENLO PARK CA 94025

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OCT 16 2008

OFFICE OF PETITIONS

In re Application of	:	
Petar B. Atanackovic	:	
Application No. 11/858,838	:	DECISION ON PETITION
Filed: September 20, 2007	:	
Attorney Docket No. TRANSLUC-P017	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an executed declaration and fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed October 2, 2007, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Patent Application Processing for appropriate action by the Examiner in the normal course of business on the reply received July 25, 2008.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

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NOV 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Carrel W. Ewing, et al.	:	
Application No. 11/858,841	:	DECISION ON PETITION
Filed: September 20, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 7273-76587-02	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

The instant petition includes a declaration statement signed by applicant Carrel W. Ewing. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being referred to the Office of Initial Patent Examination to await a reply to the Notice to file Missing Parts mailed on October 2, 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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Juhan Kim
5890 W. Walbrook Dr.
San Jose, CA 95219

OCT - 4 2007

In re Application of:	:	DECISION ON PETITION TO
Juhan Kim	:	MAKE SPECIAL FOR NEW
Serial No.: 11/858,895	:	APPLICATION UNDER 37
Filed: September 21, 2007	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
Title: PLANAR NAND FLASH MEMORY	:	

This is a decision on the petition filed on September 21, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

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

Regarding the requirements of II. 6, the present examination support document fails to satisfy items 6.2, 6.3, and 6.5. The present examination support document does not include **an identification of all the limitations in the claimed invention** that are disclosed by each reference cited on the information disclosure statement (IDS) specifying where each limitation is disclosed in the reference as required by item 6.2. This requires applicant to identify the limitations in the claims of the instant application that are disclosed by the reference. Instead, the present examination support document identifies the limitations in the claims of the reference. For example, the instant application has 19 claims. Thus, the identification of the limitations in the Lee et al. reference should be in relation to the 19 claims of the instant application and not to the 20 claims of the Lee et al. reference. Each reference on the IDS must be discussed in relation to the 19 claims of the instant application specifying where **each** limitation is disclosed in the reference.

The present examination support document does not include a detailed explanation of how each of the claims are patentable over each of the references cited with the particularity required by 37 CFR 1.111(b) and (c) as required by item 6.3. 37 CFR 1.111(b) states that "the reply must present arguments pointing out ***the specific distinctions*** believed to render the claims . . . ***patentable over the . . . references***." It further states that "a general allegation that the claims define a patentable invention without pointing out how the language of the claims patentably distinguishes them ***from the references*** does not comply with the requirements of this section." 37 CFR 1.111(c) states "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present ***in view of the state of the art disclosed by the references cited*** or the objections made." The present examination support document basically just reiterates all of the limitations of claim 1 and states that all the references fail to at least teach or suggest all of the given limitations.

The present examination support document does not include a showing of where ***each limitation*** of the claims finds support under 35 USC 112, first paragraph, ***in the written description of the specification*** as required by item 6.5. Instead, it merely points out some Figure numbers of the drawings.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Juhan Kim
5890 W. Walbrook Dr.
San Jose, CA 95219

In re Application of:	:	DECISION ON PETITION TO
Juhan Kim	:	MAKE SPECIAL FOR NEW
Serial No.: 11/858,895	:	APPLICATION UNDER 37
Filed: September 21, 2007	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
Title: PLANAR NAND FLASH MEMORY	:	

This is a decision on the renewed petition filed on November 3, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). Although only a new support document and specification (apparently just a copy of previously submitted specification) was actually filed on November 3, 2007, the filing of the new support document is being taken as a renewed petition to make the above-identified application special.

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

A petition to make special was filed in the above-identified application under 37 C.F.R. § 1.102(d) on September 21, 2007. That petition was dismissed in a decision dated October 19, 2007 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reason for dismissal was an inadequate support document. The support document failed to: 1) include an identification of all the limitations in the claims that were disclosed by each reference specifying where the limitation was disclosed in the cited reference; 2) indicate how each of the claims were patentable over each cited reference; and 3) show where each of the claim limitations found support under 35 USC 112, first paragraph in the written description of the specification.

Although an improvement over the previous support document filed on September 21, 2007, the new support document filed on November 3, 2007 fails to correct the deficiencies of the previous support document.

As mentioned in the petition decision of October 19, 2007, item 6.2 of Conditions Regarding the Petition requires "an identification of all the limitations in the claims that are disclosed by each reference ***specifying where the limitation is disclosed in the cited reference***." Instead of specifying where ***each limitation*** is disclosed in the cited reference, applicant merely mentions a single Figure number and sometimes a single reference number for each reference. This is not

specific enough. At the very least, the reference numbers used for ***each limitation*** should be supplied and preferably the location in the specification of the reference where each of these limitations is disclosed should also be supplied.

As also mentioned in the petition decision of October 19, 2007, item 6.3 of Conditions Regarding the Petition requires "a detailed explanation of how each of the claims are patentable over each of the references cited with the particularity required by 37 CFR 1.111(b) and (c)." Instead of a detailed explanation of how each of the claims are patentable over each of the references cited with the particularity required by 37 CFR 1.11(b) and (c), for independent claim 1, applicant merely cites a bunch of the cited limitations of the claim and indicates that the reference fails to teach or suggest them. This does not provide the particularity required by 37 CFR 1.111(b) and (c). For example each of the references appear to disclose a latch circuit and a latch control circuit so instead of copying the latch limitations of the claim, applicant should indicate the specific differences between the latch circuit and latch control circuit of the references with those of the claimed invention.

Instead of the reiterating the same clause "the segment read circuit and the block read circuit, the latch control circuit as explained above in claim 1" for each dependent claim, it would be preferable if applicant just bunched the dependent claims together and stated that they were patentable for the reasons cited for independent claim 1. If applicant wanted to stress that a dependent claim was patentable for its added limitation, then that limitation should be specifically pointed out.

Instead of stating such phrases as "no segment read circuit for reading local bit line" or "no latch control circuit for rejecting slow data" in the section indicating what the references do disclose, if applicant believes that these are patentable differences, then they should be stressed in the "Detailed Explanation of Patentability" section. Applicant often more clearly points out patentable differences in the section indicating what the references disclose than in the "Detailed Explanation of Patentability" section. However in doing this, it often appears that applicant is just listing a negative limitation of the reference.

Finally, as mentioned in the petition decision of October 19, 2007, item 6.5 of Conditions Regarding the Petition requires "a showing of where ***each limitation*** of the claims finds support under 35 USC 112, first paragraph, in the ***written description of the specification***." In other words, the support for each individual claim limitation should be indicated by reference to paragraph numbers in the written description of the specification. A combination of the paragraph numbers of the specification and the specific reference numbers of the specific figure for each claimed limitation is preferred. In any case, it is insufficient just to give a narrative explanation of Figure 2 of the drawings.

For the above stated reasons, the renewed petition is denied. The application will therefore be taken up the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

Mail Date: 04/21/2010

Applicant	: Jian Chen	: DECISION ON REQUEST FOR
Patent Number	: 7583531	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/858,902	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/21/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **11** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/858,911	09/21/2007	Jim Clatterbaugh	10060829-01	3601

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

EXAMINER
GURLEY, LYNNE ANN

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
12/03/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Tom Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 12/02/2009 NFARMER
09/21/2007 INTEFSW 00004028 501078 11858911
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/858,919	09/21/2007	Roland Cynric EDEN	QEDI-00201-UUS	3612

EXAMINER

ART UNIT	PAPER NUMBER
3742	

NOTIFICATION DATE	DELIVERY MODE
04/22/2008	ELECTRONIC

7590 04/22/2008
MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

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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FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/859,024	09/21/2007	Roger P. Boulter	822-001-1	3833

23996 7590 10/30/2007
RICK MARTIN
PATENT LAW OFFICES OF RICK MARTIN, PC
416 COFFMAN STREET
LONGMONT, CO 80501

EXAMINER
MANOHARAN, VIRGINIA

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
10/30/2007	PAPER

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

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CST

10-30-07

In re application of	:	
Roger P. Boulter	:	
Serial No. 11/859,024	:	DECISION ON PETITION
Filed: September 21, 2007	:	TO MAKE SPECIAL
For: FLOATING WASTEWATER EVAPORATOR	:	

This is a decision on the petition filed on September 21, 2007 to make the above-identified application special under the accelerated examination program.

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-4) are considered to have been met. However, the petition fails to comply with condition II, subsections 5 and 6.

First, it appears that the search is incomplete. Note that a search in Class 239/subclasses 222.11; 222.13; 222.15 and 222.17; Class 405, subclass 52; Class 114/subclass 343; Class 210, subclass 242.1; Class 159, subclass 4.2, Dig. 40 and Dig. 41 is also required.

Furthermore, a six page Information Disclosure Statement was presented upon filing, however only a select number of those references are discussed in the Accelerated Examination Support Document (AESD). Note that there is a presumption that each of the cited references is considered most relevant to the claimed invention and that an identification of where all of the limitations in the claims that are disclosed in the references is required.

Applicant is encouraged to review the Frequently Asked Questions concerning the Accelerated Examination Program posted on www.uspto.gov. Specifically, note the question and answer reproduced below:

IDS 3. Will the Office accept an accelerated examination support document (AESD) that contains a list of references in the information disclosure statement (IDS) of the AESD, but does not include any identification and explanation for those references that are not required to be submitted in the IDS of the AESD (*i.e.*, references that are not most closely related to the subject matter of each of the claims)?

No, the AESD will be deemed insufficient for lack of identification and explanation. The applicant will be notified of the defects and the application will remain in the status of a new application awaiting action in its regular turn. The applicant will be given a time period of one month without any extension of time under 37 CFR §1.136(a), to perfect the petition.

If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD.

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

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

Christine Tierney

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/859,024	09/21/2007	Roger P. Boulter	822-001-1	3833

23996 7590 01/08/2008
PATENT LAW OFFICES OF RICK MARTIN, PC
PO BOX 1839
LONGMONT, CO 80502

EXAMINER
MANOHARAN, VIRGINIA

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
01/08/2008	PAPER

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

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

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CST

1-8-08

In re application of :
Roger P. Boulter :
Serial No. 11/859,024 : DECISION ON PETITION
Filed: September 21, 2007 : TO MAKE SPECIAL
For: FLOATING WASTEWATER EVAPORATOR :

This is a decision on the request for reconsideration filed on November 30, 2007 to make the above-identified application special for accelerated procedure under 37 C.F.R. § 1.102(d).

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

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on September 21, 2007. That petition was dismissed in a decision mailed October 30, 2007, wherein a non-extendable period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reasons for the dismissal were (1) that the search was incomplete; and (2) a six page Information Disclosure Statement (IDS) was presented upon filing, however only a select number of those references were discussed in the Accelerated Examination Support Document (AESD).

In response to the dismissal of October 30, 2007, applicant states that a search in the appropriate areas of Class 239, Class 405, Class 114, Class 210 and Class 159 was completed on November 13, 2007, thus overcoming this reason for dismissal.

Furthermore, applicant has separated the IDS which was present on filing into two separate IDS's. While applicant has identified which IDS which is in support of the petition to make special and which IDS which is not in support of the petition to make special, this was not completed in a timely manner. Specifically, it is required that applicant specify at the time of filing the petition to make special which references are in support of the petition to make special and which references are not in support of the petition to make special.

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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LANE PATENTS LLC
100 NORTH 72ND AVE.
SUITE 107
WAUSAU, WI 54401

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In re Application of	:	
Dean Redmann	:	
Application No. 11/859,069	:	DECISION ON PETITION
Filed: September 21, 2007	:	
Attorney Docket No: RED13U	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 16, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed October 2, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 3, 2007. A Notice of Abandonment was mailed June 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings; (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

Further, since petitioner has not submitted the $300.00 Early Pre-Grant Publication Fee, the application will be published as per the normal publication schedule.

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

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

/Liana Walsh/
Liana Walsh
Petition Examiner
Office of Petitions

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BANNER & WITCOTT, LTD.
1100 13TH STREET, NW, SUITE 1200
WASHINGTON DC 20005-4051

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SEP 25 2008

In re Application of	:	
Joseph IANNICELLI, et al	:	
Application No. 11/859,071	:	DECISION ON PETITION
Filed: September 21, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 001025.00008	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

The instant petition includes a copy of Applicant Joseph Iannicelli driver's license. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to Technology Center Art Unit 1793 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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JUL 0 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Douglas Bell	:	
Application No. 11/859,099	:	DECISION ON PETITION
Filed: September 21, 2007	:	TO WITHDRAW
Attorney Docket No. A9592	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed June 8, 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 Richard C. Turner on behalf of all attorneys of record who are associated with Customer No. 23373.

All attorneys/agents associated with the Customer No. 23373 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 Douglas Bell at the address list listed in the request.

There is an outstanding Office action mailed March 13, 2009, that requires a reply from the applicant.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Mr. Douglas Bell
3228 Brooklawn Court
Chevy Chase, MD 20815

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/859,193	09/21/2007	Robert Lance Cook	2725-43600	4187

EXAMINER

7590 07/11/2008
Conley Rose, P.C
P.O. Box 3267
Houston, TX 77253-3267

ART UNIT	PAPER NUMBER
3672	

MAIL DATE	DELIVERY MODE
07/11/2008	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/11/2008 0030058314

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1004

Adjustment date: 07/11/2008 NFARMER
09/24/2007 INTEFSW 00000093 11859193
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DENNIS V CARMEN
EASTMAN CHEMICAL COMPANY
100 NORTH EASTMAN ROAD
KINGSPORT TN 37660-5075

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Weaver, et al.	:	
Application No. 11/859,208	:	ON PETITION
Filed: September 21, 2007	:	
Attorney Docket No. 80109US02	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 11, 2009.

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

The above-identified application became abandoned for failure to timely file pay the issue fee in response to the Notice of Allowance mailed November 6, 2008. This Notice set a statutory period for reply of three (3) months. No issue fee having been received on or before February 6, 2009, the application became abandoned on February 7, 2009. Applicants paid the issue fee on February 10, 2009. The Office mailed a Notice of Abandonment on March 4, 2009.

With the instant petition, petitioner paid the petition fee and made the proper statement of unintentional delay.

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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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Matthew Ming Fai YUEN	: DECISION ON REQUEST FOR
Patent Number	: 7612676	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/859,294	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/21/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **286** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Zai-Ming Qiu	: DECISION ON REQUEST FOR
Patent Number	: 7666964	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/859,295	: OF WYETH
Filed	: 09/21/2007	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

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JAN 29 2009

OFFICE OF PETITIONS

Applicant: Meng
Appl. No.: 11/859,301
Filing Date: September 21, 2007
Title: METHOD AND ACCESS DEVICE FOR GENERATING IP BROADBAND VIDEO SERVICE BILL
Attorney Docket No.: 701915
Pub. No.: 2008/0072246 A1
Pub. Date: March 20, 2008

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), received on May 15, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the benefit claim data is not printed.

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 on the front page of the publication wherein the foreign priority claim is missing is not an Office error. The application was correctly published without a foreign priority claim, as the priority claim to the Chinese application was not claimed. The signed Oath received on October 30, 2007 did not claimed priority to the Chinese application.

A Corrected Filing Receipt deleting the foreign priority claim will be mailed by the Office.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on May 15, 2008, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

In order to make a late benefit claim to the earlier filed applications, applicant may be able to submit a petition to accept an unintentionally delayed claim under 35 U.S.C. 119 and 120 for the benefit of the earlier filed applications. The petition must include 1) the surcharge ($1410) set forth in 37 CFR 1.14(t) and 2) a statement that the entire delay between the date the claim was due under paragraph (a)(5) of this section and the date the claim was filed was unintentional. The petition must also include a proper reference to the prior applications in order for the petition to be granted.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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In re Application of
Marshall Medoff

Application No. 11859325

Filed: September 21,2007

Attorney Docket No. 08895-040001/

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 30-JUL-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

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JUN 11 2010

OFFICE OF PETITIONS

WILLIAMS, MORGAN & AMERSON
10333 RICHMOND, SUITE 1100
HOUSTON TX 77042

In re Application of	:	
Ephraim Suhir	:	
Patent No. 7,443,185	:	NOTICE
Application No. 11/859,477	:	
Filed: September 21, 2007	:	
Attorney Docket No. 3010.001196/RFE		

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

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FRANCISSEN PATENT LAW, P.C.
65 W. JACKSON BLVD
SUITE # 138
CHICAGO, IL 60604

MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Trent Richards, et al.	:	
Application No. 11/859,488	:	DECISION ON PETITION
Filed: September 21, 2007	:	TO WITHDRAW
Attorney Docket No. DBL06-001US	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by Vernon W. Franscissen on behalf of all attorneys of record who are associated with customer No. 54384. All attorneys/agents associated with the Customer Number 54384 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 Trent Richards at the address indicated below.

There are no pending Office actions at the present time.

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

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

cc: TRENT RICHARDS
398 JENNIFER LANE
ROSELLE, IL 60172

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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
11/859,488	09/21/2007	Trent Richards	DBL06-001US

CONFIRMATION NO. 4772

POWER OF ATTORNEY NOTICE

54384
FRANCISSEN PATENT LAW, P.C.
65 W. JACKSON BLVD
SUITE # 138
CHICAGO, IL 60604

OC000000038045820

Date Mailed: 09/30/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/15/2009.

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

/amwise/

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

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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

Mail Date: 04/20/2010

Applicant	: Kristofer Kjorling	: DECISION ON REQUEST FOR
Patent Number	: 7590543	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/859,521	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/21/2007	: 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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DEC 04 2007

TECHNOLOGY CENTER 3600

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

In re application of : **DECISION ON PETITION**
Davis et al. : **TO MAKE SPECIAL FOR**
Application No. 11/859,553 : **NEW APPLICATION**
Filed: September 21, 2007 : **UNDER 37 CFR 1.102**
For: LOAN PROGRAM AND PROCESS FOR TRANSACTING THE SAME

This is a decision on the petition filed on September 21, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

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

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5, II.5.1, II.5.2, II.6.2, II.6.3, and II.6.5.

Condition II.5 sets forth that, for database searches, the search logic used as a query, the name of the file(s) searched, and the database service(s) utilized must be identified by Applicant. While Applicant states that a search query was conducted using the USPTO's East service, Applicant does not specify which databases within East were used. For example, East facilitates searches within the U.S. Patent (USPAT), patent application publication (US-PGPUB), and foreign patent document (EPO, JPO, DERWENT) databases, yet Applicant fails to explain which of these databases were used in the East search. Additionally, the specific search queries are not provided. A list of search terms without any structured syntax showing in what combinations and with which search operators these terms were queried does not suffice as the required search logic used as a query. Additionally, Applicant cites non-patent literature on the submitted Accelerated Examination IDS; however, no mention is made regarding the source of these documents. In other words, the search logic used as a query, the name of the file(s) searched, and the database service(s) utilized were not identified for the non-patent literature search either, so it is not clear if the cited non-patent literature references were obtained through a database search.

Condition II.5.1 requires that a preexamination search be made in databases covering U.S. patents, patent application publications, foreign patent documents, and non-patent literature, unless Applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources. Applicant has provided no statement regarding which database service(s) and files were searched in relation to each of the aforementioned, required types of databases (i.e., U.S. patents, patent application publications, foreign patent documents, and non-patent literature databases) nor any justification for omitting a search of these sources. Applicant is reminded that search templates, specific to each class/subclass, may be found at http://www.uspto.gov/web/patents/searchtemplates/. For example, the instant application is best classified in 705/38. Looking toward the available search templates and recommended areas of search for class 705/38 (see http://www.uspto.gov/web/patents/searchtemplates/class705-035.htm), some of the more relevant search areas would include a classification search of at least 705/38 in East (or West) and a text search related to **all** claimed concepts in East (or West) in the USPAT, US-PGPUB, EPO, JPO, and DERWENT files. If

Applicant chooses to use another database service to perform a classification and/or text search of foreign patent documents, then suggested files include Derwent World Patents Index, EPO Abstracts, EPO esp@cenet, European Patents Fulltext, FPAS3, JPO Abstracts, JPO Industrial Property Digital Library, and WIPO-PCT Patents Fulltext or any database files covering a commensurate range of subject matter. A comprehensive list of recommended database files are listed on the 705/38 search templates web page as well. Especially relevant to the claimed subject matter are database files such as ABI/INFORM, American Banker Financial Publications, Banking Information Source, Business & IndustryTM (B&I), Business Wire, DIALOG Finance and Banking Newsletters, EBSCOhost Research Databases, Gale Group New Product Annoucements/Plus (NPA/Plus), Gale Group Newsletter DatabaseTM, Gale Group PROMT, Gale Group Trade & Industry DatabaseTM, JSTOR Journals, New York Times, PR Newswire, ProQuest Direct, Wall Street Journal Abstracts, and Wilson Applied Science & Technology Abstract. In addition to searching the aforementioned database files, Applicant may also find an Internet search in Google scholar and archived Internet pages (e.g., accessed through http://web.archive.org) to be useful in completing a comprehensive search of all claimed features.

As per Condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation. Applicant's listed keywords do not target some of the asserted distinctions of the claimed invention over the prior art nor do they account for synonyms or proximity operators that would produce a more comprehensive, yet focused, search emphasizing the patentably distinguishing claimed subject matter. For example, page 22 of the Accelerated Examination Support Document sets forth certain claimed features that are allegedly not taught or suggested by the prior art. These features include "'an agreed upon annual percentage rate that includes fees, interest, and other ancillary costs, which taken in total provides an overall interest rate that is less than or equal to the agreed upon annual percentage rate' in combination with 'deducting loan payments directly from paychecks of the employees and transmitting the loan payments to a lending entity to *reduce the representative outstanding loan balances of the employees with outstanding loans over a period that is longer than at least the next pay period*' (emphasis added)." A recommended search might be executed in all databases of East with the following search queries:

L1: ((lend$3 OR loan$3 OR borrow$3 OR finance$3 OR financing OR (cash NEAR2 advance$1)) SAME ((place$1 ADJ employment) OR employer$1 or business$2 or corporation$1) SAME (worker$1 or staff or borrower$1 or employee$1))

L2: (rate or rates or interest or APR or APY or yield$1)

L3: L1 AND L2

L4: (((pay$3 ADJ off) OR (pay$3 ADJ back) OR payoff OR payback$1 OR reconcil$3 OR reconciliation$1 OR deduct$4 OR payment$1 OR pay$3) NEAR5 (paycheck$1 OR (pay ADJ check$1) OR pay-check$1 OR salary OR salaries OR check OR checks))

L5: L3 AND L4

L6: L4 SAME (loan$1 OR financ$3 OR borrowed OR lent OR owed OR (cash NEAR2 advance$1))

Please keep in mind that these are non-limiting search suggestions and they are only meant to serve as a possible starting point for Applicant's preexamination search. Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site: http://www.uspto.gov/web/patents/accelerated/

Also deficient from Applicant's petition as it pertains to Condition II.5.2 are search queries specific to some of the details recited in the dependent claims. For example, an annual percentage rate in a range of about 0% - 36% is not a focus of any of the search terms provided by Applicant. In the Accelerated Examination Support Document, Applicant submits this feature (recited in claims 3, 7, and 10) to be unanticipated by any of the cited, most relevant pieces of prior art; however, Applicant cannot make the assertion that this feature is novel without having searched it. Similar problems arise with limitations recited in claims 4, 5, 6, and 9. The following limitations are submitted to be unanticipated by the most relevant prior art; however, Applicant provides no evidence to show that the respective concepts were specifically searched: "wherein the total amount of the loan includes a non-principle portion and a principle portion, wherein the non-principle portion is substantially equal to an interest rate that is not greater than a threshold annual percentage rate set by the employer" (claim 4), "wherein the loan request system includes an interactive website portal accessible by the employee through a secure intranet of the employer" (claim 5), "a secure database in communication with the loan processor and having employee information" (claim 6), and "wherein determining the loan amount available to the employee based on the threshold annual percentage rate includes combining all fees and interest associated with the loan to achieve the threshold annual percentage rate" (claim 9).

Regarding Condition II.6.2, while Applicant provides a general description of each "Category 1" reference (as listed on page 5 of the Accelerated Examination Support Document) cited on the IDS with an explanation of what each reference does not teach in relation to the claimed invention, Applicant fails to map out each claim limitation to the specific citation in each "Category 1" reference where the respective limitation is disclosed. This should be done for each claim as it

pertains to each reference cited on the IDS. Additionally, Applicant only discusses, in some detail, the "Category 1" references. An explanation of the relevance of the "Category 2" and "Category 3" references is grouped together in a general discussion for each respective category. Any reference cited on the Accelerated Examination IDS should be mapped to each claim limitation. If Applicant feels that the "Category 2" and "Category 3" references are less relevant to the claimed invention and, therefore, would prefer not to map these references in sufficient detail to each claim limitation, then Applicant should delete these references from the Accelerated Examination Support Document and list them on a separate IDS. Specific guidance regarding the proper content of an IDS submitted with a Petition for Accelerated Examination may be found at http://www.uspto.gov/web/patents/accelerated/ae_faq_091207.pdf (see pages 1-3 in particular).

As per Condition II.6.3, Applicant addresses each "Category 1" reference and explains how it fails to anticipate the claimed invention. However, as seen above, such analysis is not presented with sufficient specificity in relation to each of the "Category 2" and "Category 3" references. Further, page 22 of the Accelerated Examination Support Document generalizes the asserted differences between the claimed invention and the cited prior art and makes further assertions regarding nonobviousness. However, in the discussion of obviousness, applicant focuses on "suggestion or motivation". Applicant is reminded of the decision in *KSR International Co. v. Teleflex, Inc.*, 82 USPQ2d 1385 (U.S. 2007) which changed the definition of obviousness with respect to suggestion or motivation.

As to Condition II.6.5, while Applicant has identified support under 35 U.S.C. 112, 1st paragraph in the specification of the instant application as well as that of parent application no. 11/690,694, Applicant has neglected to cite such support in the provisional applications (application nos. 60/886,637 and 60/747,923). Condition II.6.5 requires that such a showing of support be made for parent provisional applications as well. (Also noted is that support for claim 8 references page 121 of the instant application; however, the instant application does not contain a page 121.)

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

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty

(30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/SMD/11/18/07

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JAN 19 2008

TECHNOLOGY CENTER 3600

BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

In re application of
Davis et al.
Application No. 11/859,553
Filed: September 21, 2007
For: LOAN PROGRAM AND PROCESS FOR TRANSACTING THE SAME

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

This is a decision on the petition filed on January 4, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

    If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination

process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/SMD/1/14/08

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GEHRKE & ASSOCIATES, S.C.
123 N. 86th ST
WAUWATOSA WI 53226

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MAR 1 7 2009

OFFICE OF PETITIONS

In re Application of
Michael Hottinger
Application No. 11/859,555
Filed: September 21, 2007
Attorney Docket No. GG10921.007

DECISION ON PETITION

This is a decision on the petition, filed January 29, 2009, which is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

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

This application was held abandoned for failure to timely and completely respond to the Notice to File Missing Parts (Notice) of October 2, 2007, which set a two (2) month shortened statutory period for reply. An incomplete reply to the Notice was received on December 3, 2007. A Notice of Incomplete Reply was mailed December 10, 2007. The Notice of Incomplete Reply did not provide a new period for reply; the period of reply continued to run from the first notice. A one-month extension of time was submitted on January 3, 2008. Accordingly, a reply was due on or before January 2, 2008. A Notice of Abandonment was mailed on January 23, 2009.

Petitioner states that a timely reply to the Notice was previously submitted. Petitioner has provided a copy of the response.

A review of the record shows the Office received filing fees, declaration surcharge and drawings on December 3, 2007. The reply on December 3, 2007 was timely because December 2, 2007 fell on Saturday. A Notice of Incomplete reply was mailed because the Office was not in receipt of the search and examination fees. A reply to the Notice, which included the search and Examination fees and a one-month extension of time were received on January 3, 2008. However, the one-month extension of time extended the reply period from December 3, 2007- January 2, 2008. In order to make the reply timely a two month extension of time was required. A review of the record shows that a general authorization to charge any fee shortages to a deposit account was not provided. As such

a timely and complete reply to the Notice to File Missing Parts of October 2, 2007 was not received

.

Thus, the application was properly held abandoned.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee.

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

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

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

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

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

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

j 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

GEHRKE & ASSOCIATES, S.C.
123 N. 86th ST
WAUWATOSA WI 53226

COPY MAILED
FEB 03 2010

In re Application of :
Michael Hottinger :
Application No. 11/859,555 : DECISION ON PETITION
Filed: September 21, 2007 :
Attorney Docket No. GG10921.007 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2009, to revive the above-identified application.

The petition is **GRANTED.**

This application was held abandoned for failure to timely and completely respond to the Notice to File Missing Parts (Notice) of October 2, 2007, which set a two (2) month shortened statutory period for reply. An incomplete reply to the Notice was received on December 3, 2007. A Notice of Incomplete Reply was mailed December 10, 2007. The Notice of Incomplete Reply did not provide a new period for reply; the period of reply continued to run from the first notice. A one-month extension of time was submitted on January 3, 2008. Accordingly, a reply was due on or before January 2, 2008. A Notice of Abandonment was mailed on January 23, 2009. A petition filed under 37 CFR 1.181 was dismissed on March 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the search and examination fees, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

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

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

Greenberg Traurig, LLP
Met Life Building
200 Park Avenue
New York, NY 10166

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JUL 09 2008

OFFICE OF PETITIONS

In re Application of	:	
Giampietro Ravagnan, et al.	:	
Application No. 11/859,672	:	DECISION ON PETITION
Filed: September 21, 2007	:	TO WITHDRAW
Attorney Docket No. 085814-010102	:	FROM RECORD
	:	

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 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 James J. DeCarlo 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.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Giampietro Ravagnan**
Via degli Estensi, 291
Rome, I-00164
Italy

cc: **Notabartolo & Gervasi**
c/o Lucia Migliorini
Corso di Porta Vittoria, 9
Milano 20122
Italy

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
11/859,672	09/21/2007	Giampietro Ravagnan	085814-010102

CONFIRMATION NO. 5123

POWER OF ATTORNEY NOTICE

32361
GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK, NY 10166

OC000000030863005

Date Mailed: 07/09/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/14/2008.

- 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.

/tswilliams/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

MAILED

MAR 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Mark Johnson	:	
Application No. 11/859,696	:	DECISION ON PETITION
Filed: September 21, 2008	:	TO WITHDRAW
Attorney Docket No. 029573-1601	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 28, 2009.

The request is **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 February 5, 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.

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

cc: FREESCALE SEMICONDUCTOR, INC.
7700 WEST PARMER LANE
AUSTIN, TX 78729

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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Theodore P. Cummings, Attorney at law
1600 Scripps Center, 312 Walnut Street
Cincinnati OH 45202

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AUG 04 2008

OFFICE OF PETITIONS

In re Application of
Bonner, et al.
Application No. 11/859,703
Filed: September 21, 2007
Attorney Docket No. 2007001

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned December 4, 2007 for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 3, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed June 6, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply to the Notice, (2) the required petition fee, and (3) a proper statement of unintentional delay.

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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QUICKPATENTS, INC.
32861 CALLE PERFECTO
SUITE A
SAN JUAN CAPISTRANO, CA 92675

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OCT 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Hratch Paul Boghossian	:	
Application No. 11/859,719	:	DECISION ON PETITION
Filed: September 21, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PB70907	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

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

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

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

Upon completion of the pre-examination processing by the Office of Initial Patent Examining, this application will be referred to Technology Center Art Unit 3635 for action on the merits commensurate with this decision.

Kimberly Inabinet

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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FELDMAN GALE, P.A.
1700 MARKET STREET
SUITE 3130
PHILADELPHIA, PA 19103

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Hratch Paul Boghossian	:	
Application No. 11/859,719	:	DECISION ON PETITION
Filed: September 21, 2007	:	TO WITHDRAW
Attorney Docket No. 1200.AMOR0002CIP	:	FROM RECORD
	:	

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

The request is **APPROVED**.

The request was signed by Scott E. Scioli on behalf of the practitioners of record associated with Customer Number 44338.

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

All future correspondence will be directed to inventor Hratch Paul Boghossian 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: Hratch Paul Boghossian
13230 Saticoy Street
North Hollywood, CA 91605

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
11/859,719	09/21/2007	Hratch Paul Boghossian	1200.AMOR0002CIP

CONFIRMATION NO. 5222

POWER OF ATTORNEY NOTICE

OC000000041762349

44338
FELDMAN GALE, P.A.
1700 Market Street
Suite 3130
Philadelphia, PA 19103

Date Mailed: 05/28/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

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

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/859,719	09/21/2007	Hratch Paul Boghossian	1200.AMOR0002CIP

CONFIRMATION NO. 5222

HRATCH PAUL BOGHOSSIAN
13230 SATICOY STREET
NORTH HOLLYWOOD, CA 91605

POA ACCEPTANCE LETTER

OC000000041762764

Date Mailed: 05/28/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

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

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

/idingle/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/859,731	09/21/2007	Ned Allen Godshall	37925-10201	5251

86451 7590 07/22/2010
Luce, Forward, Hamilton & Scripps LLP
2050 Main Street, Suite 600
Irvine, CA 92614

EXAMINER
MANOHARAN, VIRGINIA

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
07/22/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BC

July 22, 2010

In re application of Ned Godshall et al. Serial No. 11/859,731 Filed: September 21, 2007 For: NOVEL ENHANCED SYSTEMS, PROCESSES AND METHODOLOGIES FOR PRODUCING CLEAN WATER AND PRODUCTS THEREBY	: : : : : : : : :	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 PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 02, 2010, to make the above-identified application special.

The request and petition are **DENIED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition fail because:
(5) Action on this US application has begun. Specifically, a written restriction requirement was mailed on June 22, 2010.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CARL M. NAPOLITANO, PH.D.
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVE., SUITE 1401
P.O. BOX 3791
ORLANDO FL 32802-3791

COPY MAILED

APR 15 2008

OFFICE OF PETITIONS

In re Application of

MINKS, Floyd M.
Application No. 11/859,836
Filed: September 24, 2007
Attorney Docket No. **40948**

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 18, 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 Carl Napolitano on behalf of all attorneys of record who are associated with customer No. 39313. All attorneys/agents associated with the Customer Number 39313 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 signing inventor at the first copied address below until otherwise properly notified by the applicant.

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **FLOYD M. MINKS**
202 CARTERS MILL ROAD
BRINSON, GA 39825

cc: **MINK ENGINEERING, INC.**
C/O MR. LARRY J. HERRING
2693 WEST FAIRBANKS, SUITE A
WINTER PARK, FL 32789-3380

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON IA 50131-0552

MAILED

MAR 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Dhugga et al.	:	
Application No. 11/859,968	:	DECISION ON PETITION
Filed: September 24, 2007	:	
Attorney Docket No. 0864R2RD	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 25, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 24, 2009, as required by the Notice of Allowance and Fee(s) Due mailed November 24, 2008. Accordingly, the date of abandonment of this application is February 25, 2009. A Notice of Abandonment was mailed March 10, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and publication fee of $300.00; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/859,988	09/24/2007	Akihiro KIMURA	10202.55

CONFIRMATION NO. 5788

WITHDRAWAL NOTICE

60408
NIDEC CORPORATION
c/o KEATING & BENNETT, LLP
8180 GREENSBORO DRIVE
SUITE 850
MCLEAN, VA 22102

Date Mailed: 10/09/2007

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

It has come to the attention of the Office that the Notice mailed on 10/01/2007 was sent in error. The Notice is hereby withdrawn. The application is complete and will be processed for examination. The Official Filing Receipt is enclosed. The office regrets any inconvenience the error may have caused.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (571) 272-4000, or 1-800-PTO-9199
PART 3 - OFFICE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/859,988	09/24/2007	3682	1050	10202.55	21	2

CONFIRMATION NO. 5788

FILING RECEIPT

OC000000026198474

OC000000026198474

60408
NIDEC CORPORATION
c/o KEATING & BENNETT, LLP
8180 GREENSBORO DRIVE
SUITE 850
MCLEAN, VA 22102

Date Mailed: 10/09/2007

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

Applicant(s)

Akihiro KIMURA, Kyoto, JAPAN;
Kunio SAKURADA, Kyoto, JAPAN;

Assignment For Published Patent Application

Nidec Corporation, Minami-ku, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number **60408**.

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2006-261756 09/27/2006

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

If Required, Foreign Filing License Granted: 10/01/2007

The country code and number of your priority application, to be used for filing abroad under the Paris

Convention, is US11/859,988

Projected Publication Date: 03/27/2008

Non-Publication Request: No

Early Publication Request: No

Title

FLUID DYNAMIC BEARING DEVICE AND STORAGE DISK DRIVING DEVICE USING THE SAME

Preliminary Class

384

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

PAPER NO.:

DATE : 7/13/10

TO SPE OF : ART UNIT: 3726 Attn: BRYANT DAVID P (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/860041 Patent No.: 7704020

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square Building (RSQ)
2800 South Randolph Street, Suite 9XXXX
Arlington, VA 22206
PALM Location 7580

Tasneem Siddiqui

Certificates of Correction Branch
703-756-1593

Thank You for Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

/David P. Bryant/ — **SPE**

3726 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/860,042	09/24/2007	Hideo Kaneda	315082US8	5892

7590 08/28/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

NOTIFICATION DATE	DELIVERY MODE
08/28/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 08/28/2009 BPOWELL
09/25/2007 INTEFSU 00011664 11860042
02 FC:1111 -500.00 UP

Adjustment date: 08/28/2009 BPOWELL
09/25/2007 INTEFSU 00011664 11860042
02 FC:1111 -500.00 UP

FORM PET651G (Rev. 08/07)

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

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NOV 0 7 2008

OFFICE OF PETITIONS

In re Application of :
Husam ALSHAREEF et al. :
Application No. 11/860,066 : DECISION ON PETITION
Filed: September 24, 2007 :
Attorney Docket No. **TI-60099** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 19, 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 October 05, 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 December 06, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment , (2) the petition fee of $1540, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of October 05, 2007 is accepted as having been unintentionally delayed.

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

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

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/860,078	09/24/2007	Joseph Kuharcik	8211-1-1CIP(207556)	5964

7590 05/01/2009
AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

EXAMINER
HOEY, ALISSA L

ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
05/01/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment Date: 05/04/2009 BPOWELL
09/25/2007 INTEFSW 00012046 500951 11860078
02 FC:2111 250.00 CR

Adjustment date: 05/04/2009 BPOWELL
09/25/2007 INTEFSW 00012046 500951 11860078
02 FC:2111 250.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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VEDDER PRICE P.C.
222 N. LASALLE STREET
CHICAGO, IL 60601

Mail Date: 04/26/2010

Applicant	: Joseph Claffy	: DECISION ON REQUEST FOR
Patent Number	: 7582830	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/860,124	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/24/2007	: 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.

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JUN 12 2008

THOMAS A. O'ROURKE
BODNER & O'ROURKE, L.L.P.
425 BROADHOLLOW ROAD
MELVILLE NY 11747

In re Application of
Rimbold, et al.
Application No. 11/860,147
Filed: 24 September, 2007
Attorney Docket No. 099536.00002

DECISION ON PETITION

This is in response to the paper styled "Petition under 37 C.F.R. §1.47," filed on 14 April, 2008, and considered as a petition under 37 C.F.R. §1.47(a).

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

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition under 37 CFR 1.47(a) requires: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor.

Petitioner has submitted a petition and fee/authorization, an oath/declaration signed by the named co-inventor. A statement as to last known address is included, but the basis for acceptance is at this writing uncertain.

Applicant lacks: (a) 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: description, claims and drawings); and (b) a credible statement of last known address of the non-signing inventor, as set forth above.

As to 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: description, claims and drawings): the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). Thus, the currently showing fails to demonstrate that a diligent effort was made to find or locate non-signing inventor. (Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor.)[1]

The second deficiency set forth above is directly related to the first in that as of this writing an insufficient showing has been made to evidence that there is a reasonable basis for asserting the address set forth is the last known address for the non-signing inventor.

BACKGROUND

The record indicates:

The instant application was filed on 24 September, 2007, without, *inter alia*, a fully executed oath/declaration.

On 10 October, 2007, Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required.

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[1] Petitioner has not demonstrated that all efforts were expended in trying to locate the non-signing inventor. Petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to the non-signing inventor's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventor's last known address. Therefore, at the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to the non-signing inventor's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

On 14 April, 2008, Petitioner Thomas A. O'Rourke (Reg. No. 27,555) filed, *inter alia*, the original petition (four pages) and fee, an assignment (three pages, Exhibit A), an oath/declaration (two pages) signed by co-inventor Mr. Rimbold and an averment as to actions taken, but no sufficient evidence/showing of the diligent effort required in an attempt to ascertain a valid/current address for the non-signing inventor Andrew D. Estes (Mr. Estes).

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

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

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

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

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

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

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

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

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

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ROSENBAUM & ASSOCIATES, P.C.
650 DUNDEE ROAD
SUITE #380
NORTHBROOK, IL 60062

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AUG 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael H. Gurin	:	DECISION ON PETITION
Application No. 11/860,151	:	TO WITHDRAW
Filed: September 24, 2007	:	FROM RECORD
Attorney Docket No. 6143-001	:	

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 12, 2009.

The request is **NOT APPROVED**.

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

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

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

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

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

MAILED

MAY 20 2010

OFFICE OF PETITIONS

In re Application of
Yoshitaka Yokota et al.
Application No. 11/860,161
Filed: September 24, 2007
Attorney Docket No.
APPM/012290/FEP/RTP/AG

ON PETITION

This is a decision in response to the petition filed March 30, 2010, to withdraw the holding of abandonment, under 37 CFR 1.181(b), in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned February 19, 2010 for failure to pay the issue fee on or before February 18, 2010 as was required by the Notice of Allowance mailed November 18, 2009. Accordingly, a Notice of Abandonment was mailed March 5, 2010.

The file record discloses that the Notice of Allowance was mailed to the address of record, the same address to which the Notice of Abandonment was mailed and received. However, petitioner contends that the Notice of Allowance was not received. In support, petitioner indicates that a search of the file jacket and docket records revealed that the Notice was not received and submits copies of pages from the master docketing system, wherein receipt of the Notice would have been entered, had it been received, to substantiate the claim. The statement and attachments corroborate non-receipt of the Notice of Allowance.

In view of the facts set forth in the petition, it is concluded that the Notice of Allowance was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2829 for a re-mailing of the Notice of Allowance and Notice of Allowability.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Customer No. 79520
Linden '162
12925 Larochelle Cr.
Palm Beach Gardens, FL 33410

SEP - 4 2008

Customer No. 22442
Sheridan Ross, PC
1560 Broadway
Suite 1200
Denver, Colorado 80202

Inventor: David Finn
Application No. 11/860,162
Filed: September 24, 2007

: **DECISION REVOKING AND**
: **GRANTING POWER OF**
: **ATTORNEY**

The instant application has been forwarded to the Office of Patent Legal Administration (OPLA) for a decision on conflicting attempts by the sole inventor and by the assignee to execute a power of attorney to control prosecution of the instant application, including receipt of correspondence sent by the Office.

The Decision results in a change of power of attorney to those practitioners representing the assignee (associated with Customer Number 22442) from those practitioners representing the sole inventor (associated with Customer Number 69186 sought to be updated to Customer Number 79520).

Notice to File Missing Parts of Application

The instant application was filed without an executed § 1.63 declaration on September 24, 2007. A Notice to File Missing Parts (Notice) was mailed on October 10, 2007 requiring in-part a § 1.63 declaration by the sole named inventor, Finn.

In partial reply to the Notice, on February 8, 2008, a petition under § 1.47(b) was submitted, supported by two Declarations drawn towards establishing Finn's refusal to cooperate in execution of a § 1.63 declaration. The Office on February 26, 2008 mailed a Notice of Incomplete Reply requiring a § 1.63 declaration signed by a party with a sufficient proprietary interest where no inventor is available to sign the § 1.63 declaration. MPEP 409.03(b), (A). A § 1.63 declaration was submitted on April 10, 2008 listing the sole inventor, but the declaration was not signed by the sole inventor, or by a party with sufficient proprietary interest (in view of the presence of the § 1.47(b) petition).

On April 12, 2008 the sole inventor submitted an opposition to the granting of the § 1.47(b) petition.

History of Power of Attorney

The application filing included a § 1.76 application data sheet setting forth a correspondence address for practitioners associated with Customer Number 22442.

On March 20, 2008 a Power of Attorney and Correspondence Address Indication Form was submitted by the sole named inventor revoking all previous powers of attorneys and granting power of attorney to the practitioners associated with Customer Number 69186.

On April 4, 2008 the Office accepted the March 20, 2008 change in power of attorney and correspondence address, which are the current power of attorney and correspondence address of record (although the record does not reveal the mailing of a Notice withdrawing power to the practitioners associated with Customer Number 22442).

On April 10, 2008 the current assignee, Assa Abloy Identification Technologies GmbH, submitted a paper revoking all previous powers of attorney and appointing a power of attorney for practitioners associated with Customer Number 22442. The paper was accompanied by a Statement under § 3.73(b) establishing the current assignee of instant application. Additionally submitted was a petition under § 1.182 in support of the revocation of power of attorney for practitioners associated with Customer Number 69186 (the party with the current power of attorney) in favor of a power of attorney for practitioners associated with Customer Number 22442.

On May 2, 2008 the sole inventor submitted a Clarification of Power of Attorney (Clarification), which attempts to define who owns two specific provisional applications and who may therefore control power of attorney in subsequently filed instant nonprovisional application. Page 1 of the specification was amended on January 23, 2008 to claim benefit to provisional applications: 60/826,923 filed September 26, 2006, and 60/829,862 filed October 17, 2006.

On May 13, 2008 a change of address was submitted by the attorney or agent currently of record to an address for practitioners associated with Customer Number 79520, which change of address has not been acted upon. Although the change of address will not entered in view of the action by the assignee, a copy of the instant Decision will be mailed to the updated correspondence address to inform practitioners associated with Customer Number 79520 of the loss in power of attorney based on action by the assignee, which would moot the need to mail a copy of the Decision to practitioners associated with Customer Number 69186.

Status of Application

Three outstanding issues are presented: (1) the appropriateness of the April 10, 2008 § 1.63 declaration in reply to the February 26, 2008 Notice of Incomplete Reply, (2) a decision is needed on the February 8, 2008 petition under § 1.47(b) seeking status on behalf of non-cooperating inventor Finn to submit the required § 1.63 declaration, (which petition has been responded to by sole named inventor Finn in an April 12, 2008 paper), and (3) a decision is needed in view of conflicting attempts by the sole inventor and by the assignee to set forth a power of attorney.

The application has been forwarded to OPLA for a decision on the conflicting powers of attorney so that all future correspondence can be conducted with the appropriate party.

Petition Under 37 CFR 1.47(b)

An (ultimately) grantable petition under § 1.47 is an appropriate reply to a Notice to File Missing Parts of Application, requiring execution of the application where an inventor refuses to execute the required § 1.63 declaration. MPEP 409.03. Once granted, the § 1.47 applicant can set forth a power of attorney. Section 1.32(a)(3) referencing § 1.41(b). However, as § 1.32(a)(3) also provides for the assignee controlling prosecution to the exclusion of the inventor, which the assignee has subsequently attempted to do, the earlier petition under § 1.47(b) will be held in abeyance pending resolution of the power of attorney by assignee issue. After resolution of the power of attorney issue in the instant Decision, the § 1.47(b) petition will then be acted on to provide proper execution of the application.

Decision on Power of Attorney

As noted above, the assignee of the application (apparently also a party in privity (being a subsequent assignee) with the party that filed the application), and the sole named inventor are attempting to set forth different powers of attorney with different correspondence addresses.

The ability of the sole named inventor to set forth a power of attorney is subservient to the ability of the assignee to take over control of the application pursuant to § 3.71 supported by a § 3.73(b) Statement.

The assignee's paper of April 10, 2008 will control the power of attorney and the correspondence address if it is compliant with § 3.71(a), which requires compliance with § 3.73(b).

Section 3.73(b) requires the purported assignee to establish its ownership of the application by submission of a statement specifying where the documentary evidence of the 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). Section 3.73(b)(1)(ii).

A review of the April 10, 2008 power of attorney paper reveals that:

- the revocation and appointment page is executed by two Officials of Assa Abloy Identification Technologies GmbH, one of which is the President and CEO, and
- the attached § 3.73(b) statement identifies the reel and frame numbers of the chain of title information from the inventor to the current assignee.

Accordingly, the assignee may control prosecution of the application by providing a power of attorney and a correspondence address notwithstanding any attempt to do so by the sole named inventor.

Ownership

The § 1.182 petition is directed at establishing that the sole inventor in fact assigned the instant application now being claimed as owned by the current assignee. A copy of the assignment is provided, Tab A, which references an application identified as Attorney File No. 2943-142PROV. A review of nonprovisional application 60/829,862 filed October 17, 2006 (identified on page 1 of the specification) reveals its identification as Attorney File No. 2943-142PROV. A lengthy description of the technology of the assigned provisional application and what is contained in the instant application is then provided.

The petition also makes reference to:

1. a protest under § 1.291, page 2, which does not appear in the file, and
2. another application, application 11/733,756 filed on April 10, 2007, page 7, filed by the sole inventor containing claims directed towards the same invention.

While the petition incidentally raises the issue of denying the inventor access to the instant application, bridge of pages 2 and 3, the issue is not further developed in terms of harm to the assignee and will not be treated. MPEP 106.

The May 2, 2008 paper by the sole inventor states that (1) "Assa Abloy owns the October 2006 provisional," and "I own the September 2006 provisional."

To the extent that any papers of record or belief by the sole named inventor would contest the ownership of the instant application (e.g., based on assignments leading to the ownership of the two provisional applications, and the extent to which the instant application claims any of the inventions disclosed therein), the Office cannot determine the actual ownership of the instant application, which is a matter of state law that governs contractual obligations and transfers of property rights, including those related to patents. Regents of the University of New Mexico v. Knight, 66 USPQ2d 1001, 1008 (Fed. Cir. 2003). The Office can only determine who may have power of attorney as an ancillary matter to its obligation to conduct prosecution of the application. As set forth in MPEP 324 (IX):

> Where there are two or more conflicting 37 CFR 3.73(b) statements in an application ... the statement with the latest date of submission to the Office will normally control as to establishment of the assignee. If, however, the ownership established as controlling is contested on the record by another party who has submitted a conflicting 37 CFR statement, then the application ... shall be forwarded by the Office official in charge of the application ... to the Office of Patent Legal Administration for resolution of the ownership question. Generally, where there are two or more conflicting 37 CFR 3.73(b) statements in an application, **the ownership entity that filed that application** will be permitted to conduct the prosecution, and the other party that submitted a 37 CFR 3.73(b) statement to establish its ownership may wish to consider filing an application under 37 CFR 1.47. (emphasis added).

The instant application was submitted via EFS-Web identifying the Filer as Todd Parker Blekely/Ginger Bovenkamp and the Filer Authorized By Todd Parker Blakely with a Customer Number of 22442 identified. Electronic Acknowledgement Receipt of September 24, 2007.

Accordingly, where a conflict in ownership exists, the conflict would be resolved in favor of the party filing the application, which in this case is the practitioners related to Customer Number 22442 and the party granting power of attorney thereto. The party granting power of attorney to the filer was the original assignee of the application (not the sole inventor). Therefore, the current assignee would then be entitled to control prosecution.

Processing

The instant Decision (after mailing in paper form) will be forwarded to the Office of Petitions for: (1) entry of the mailed Decision into the file record, (2) updating PALM data with the new power of attorney and correspondence address, (3) a determination of the appropriateness of the April 10, 2008 reply to the February 26, 2008 Notice to File Missing Parts of Application, and (4) a decision on the February 8, 2008 § 1.47(b) petition and the April 12, 2008 reply thereto by the sole inventor.

Hiram H. Bernstein
Senior Legal Advisor
Office of Patent Legal Administration
(571) 272- 7707

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Paper No.

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

COPY MAILED

NOV 1 4 2008

OFFICE OF PETITIONS

In re Application of	:	NOTICE OF ABANDONMENT
David Finn	:	and
Application No. 11/860,162	:	DECISION ON PETITION
Filed: September 24, 2007	:	UNDER 37 CFR 1.47(b)
Atty Docket No. 2943-142	:	HELD IN ABEYANCE
	:	
	:	

This is in response to the RESPONSE TO NOTICE OF MISSING PARTS AND PETITION UNDER 37 CFR § 1.47(b) filed February 8, 2008. This decision is made in light of the decision on petition mailed September 4, 2008, establishing the right of the assignee to control prosecution of this application, including receipt of correspondence sent by the Office.

For the reasons set forth herein, the application is **abandoned**.

A response to this Notice should be promptly filed. An intentional delay in the filing of a petition under 37 CFR 1.137 precludes revival of the application. See MPEP 711.03(c).

On February 8, 2008, the instant petition, petition fee[1], statutory filing fee and late surcharge were filed in response to the Notice to File Missing Parts of Application mailed October 10, 2007. This response was made timely by an accompanying petition and fee for extension of time for response within the second month.

---

[1] The petition fee is $200, not $130. The deficiency of $70 is being charged to petitioner's Deposit Account, as authorized.

However, on February 26, 2008, the Office mailed applicants a Notice of Incomplete Reply (Nonprovisional). Applicants were notified that the reply received February 8, 2008, did not include an oath or declaration. Further, it was stated that 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 Notice stated that the period for reply continued to run from the mailing date of the Notice mailed October 10, 2007, with extensions of time obtainable under 37 CFR 1.136(a).

In response, on April 10, 2008, applicants filed a declaration. This response was made timely by an accompanying petition and fee for extension of time for response within the fourth month. However, the declaration was not executed by the party with proprietary interest as required (or by anyone else). Accordingly, the application became abandoned effective April 11, 2008 for failure to file a proper reply to the Notice of Incomplete Reply.

A decision on the petition under 37 CFR § 1.47(b) will be rendered upon the revival of the application.

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

SHERIDAN ROSS PC[1]
1560 BROADWAY
SUITE 1200
DENVER CO 80202

COPY MAILED
FEB 02 2010

In re Application of	:	DECISION ON PETITION
David Finn	:	UNDER 37 CFR 1.137(b)
Application No. 11/860,162	:	and
Filed: September 24, 2007	:	DECISION ON PETITION
Atty Docket No. 2943-142	:	UNDER 37 CFR 1.47(b)
	:	

This is in response to the RESPONSE TO NOTICE OF MISSING PARTS AND PETITION UNDER 37 CFR §1.47(b) filed November 17, 2008. This also responds to the PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 CFR 1.137(b) filed December 18, 2008. This decision is made in light of the REPLY IN SUPPORT OF PETITION UNDER 37 CFR 1.47(b) filed April 6, 2009.

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

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

A prior RESPONSE TO NOTICE OF MISSING PARTS AND PETITION UNDER 37 CFR § 1.47(b) was filed February 8, 2008. However, by decision mailed September 4, 2008, applicant was notified that the application was **abandoned** effective April 11, 2008 for failure to submit a proper reply to the Notice of Incomplete Reply (Nonprovisional) mailed February 26, 2008. Applicant failed to include with their petition under 37 CFR 1.47 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. It was noted that applicant had filed a declaration on April 10, 2008; however, the declaration was not executed by the party with proprietary interest (or by anyone else) as required.

[1] Per decision revoking and granting power of attorney mailed September 4, 2008, the power of attorney (and correspondence address) is to the practitioners associated with customer number 22442.

The decision of September 4, 2008 further stated that a decision on the petition under 37 CFR § 1.47(b) will be rendered upon the revival of the application.

ON PETITION UNDER 37 CFR 1.137(b)

Applicant has met the requirements for revival of this application. The instant petition includes the required reply in the form of a declaration executed by assignee, including therein a §3.73(b) statement; the required statement of unintentional delay; and payment of the petition fee in effect on the date of filing of the petition. No terminal disclaimer is required for revival of this application.

In view thereof, the petition under 37 CFR 1.137(b) is granted.

Accordingly, consideration may now turn to the petition under 37 CFR 1.47(b).

ON PETITION UNDER 37 CFR 1.47(b)

On petition filed November 17, 2008, Applicant continues to assert that sole inventor Finn is unwilling to participate in prosecution of this application and requests that the assignee may make application on its own behalf and on behalf of the non-signing inventor pursuant to 37 CFR 1.47(b).

37 CFR §1.47(b) provides that:

> Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

Accordingly, a grantable petition under 37 CFR §1.47(b) requires: (1) an acceptable oath or declaration in compliance with 37 C.F.R. §1.63 and 1.64 or 1.175; (2) the rule 47 applicant must state his or her relationship to the inventor as required by 37 C.F.R. §1.64; (3) proof that the non-signing inventor cannot be found or reached after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (4) the petition fee; (5) a statement of the last known address of the non-signing inventor; (6) that rule 47 applicant make out a prima facie case (i) that the invention has been assigned to him or her or (ii) that the inventor has agreed in writing to assign the invention to him or her or (iii) otherwise demonstrate a proprietary interest in the subject matter of the invention; and (7) rule 47 applicant must prove that the filing of the application is necessary (i) to preserve the rights of the parties or (ii) to prevent irreparable damage.

The requirements of 37 CFR 1.47(b) have been met. The "Declaration of Assignee" filed December 18, 2008, includes a statement that the signers are authorized to sign the declaration on behalf of assignee, HID Global GmbH[2]. The declaration is in compliance with the requirements set forth in (1) and (2) above. It is specifically noted that the declaration complies with 1.63 inasmuch as it is executed. See 37 CFR §§1.63(a)(1) and 1.68. The declaration includes the titles of the signers. In compliance with 1.64, the titles reflect the relationship of the signers to the inventor.

Petitioner has submitted adequate proof of inventor Finn's refusal to join in the application. See declaration of the assignee, made by VP Lowe, filed February 8, 2008. Specifically, the evidence supports a conclusion that by his conduct in not responding to the request to execute the declaration after having been presented with the application papers, inventor Finn has refused to join in the application. The evidence shows that the application papers were sent by email to the inventor and he refused to sign them unless certain conditions were met.

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[2] HID Global Gmbh is formerly known as Assa Abloy Identification Technologies GMBH.

Receipt of the petition fee of $200 is acknowledged. The petition includes a statement of inventor Finn's last known address and a statement by VP Lowe that a written assignment executed by inventor Finn covering this application dated October 17, 2006 is signed and recorded in the U.S. Patent Office. Attorney Blakely provides a statement that the filing of the application is necessary to preserve the rights of the assignee and that the assignee would be irreparably harmed if it cannot proceed with prosecution of the present application.

All requirements of 37 CFR 1.47(b) have been met.

This application is hereby accorded Rule 1.47(b) status.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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MR. DAVID FINN
LOWER CHURCHFIELD
TOURMAKEADY, CO.
MAYO
IRELAND

COPY MAILED
FEB 02 2010

In re Application of	:	
David Finn	:	
Application No. 11/860,162	:	LETTER
Filed: September 24, 2007	:	
Atty Docket No. 2943-142	:	
	:	

Dear Mr. Finn:

You are named as sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 118 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

TODD BLAKELY
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKSTEIN SHAPIRO LLP
2049 CENTURY PARK EAST
SUITE 700
LOS ANGELES, CA 90067

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APR 05 2010

OFFICE OF PETITIONS

In re Application of
Atsuo Hattori
Application No. 11/860,182
Filed: September 24, 2007
Attorney Docket No. T2171.0249

ON PETITION

This is a decision on the petition, filed March 25, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 2, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 1791 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

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MAR 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Edwards et al.	:	DECISION ON PETITION
Application No. 11/860,198	:	TO WITHDRAW
Filed: September 24, 2007	:	FROM RECORD
Attorney Docket No. 16892.1.1	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed January 20, 2010.

The request is **NOT APPROVED**.

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

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

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

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

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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SALT LAKE CITY UT 84111

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MAY 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Edwards et al.	:	DECISION ON PETITION
Application No. 11/860,198	:	TO WITHDRAW
Filed: September 24, 2007	:	FROM RECORD
Attorney Docket No. 16892.1.1	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 29, 2010.

The request is **APPROVED**.

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

The request was signed by R. Burns Israselsen on behalf of all attorneys of record who are associated with Customer No. 22913.

All attorneys/agents associated with Customer Number 22913 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

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

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: TRED DISPLAYS CORPORATION
2317 MANZANO LOOP NE
RIO RANCHO, NEW MEXICO 87144

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LEVENFELD PEARLSTEIN, LLC (ILLINOIS TOOL WORKS)
2 NORTH LASALLE STREET
SUITE 1300
CHICAGO IL 60602

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AUG 29 2008

OFFICE OF PETITIONS

In re Application of
Calvin E. Kasel et al.
Application No. 11/860,200
Filed: September 24, 2007
Attorney Docket No. **21305(35371-71221)**

ON PETITION

This is a decision on the petition filed August 5, 2008 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 July 8, 2008 for failure to timely pay the issue fee on or before July 7, 2008. Accordingly, a Notice of Abandonment was mailed August 4, 2008.

The issue fee in the amount of $1440.00, petition fee in the amount of $1540.00 and publication fee in the amount of $300 have been charged to petitioner's deposit account no. 05-0225 as authorized. 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

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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)).

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Customer No. 22442
Sheridan Ross, PC
1560 Broadway
Suite 1200
Denver, Colorado 80202

MAILED
MARCH 4, 2009
OPLA-DCPEP

Inventor: Ulrich Lang, et al
Application No. 11/860,210
Filed: September 24, 2007

: DECISION
: RE POWER OF ATTORNEY,
: CORRESPONDENCE ADDRESS

The instant application has been forwarded to the Office of Patent Legal Administration (OPLA) for a decision on conflicting attempts by the sole inventor and by the assignee to execute a power of attorney to control prosecution of the instant application, including receipt of correspondence sent by the Office.

The instant Decision does not accord a power of attorney, but retains the current correspondence address of record. Applicant should note the need for: (1) new § 1.63 declarations by Carre and Lang, and (2) a power of attorney by the § 1.47(a) applicants.

Notice to File Missing Parts of Application

The instant application was filed without an executed § 1.63 declaration on September 24, 2007 and listed the inventors in an application data sheet (ADS) as: Ulrich Lang, Lionel Carre, Viroel-Marian Hasegan, and David Finn. A Notice to File Missing Parts was mailed on October 4, 2007 requiring in-part a § 1.63 declaration by the listed inventors.

Papers filed on January 23, 2003 and January 25, 2008 were not responsive to the Notice to File Missing Parts of Application, and a Notice of Incomplete Reply was mailed by the Office on February 1, 2008 advising applicant in-part of the need for a § 1.63 declaration by the inventors originally listed in the § 1.76 ADS.

On March 4, 2008, in timely reply (with a 3 month extension of time) to the Notice to File Missing Parts of Application, the following papers were submitted:

- § 1.63 declarations by Carre, Lang, and Hasegan, and
- a petition under § 1.47(a) seeking permission for inventors Lang, Carre, and Hasegan to execute the instant application on behalf non-singing inventor Finn supported by:
    - a declaration by Lowe, and
    - a declaration by Blakely.

On March 20, 2008 a power of attorney was filed by inventor Finn in favor of practitioners associated with customer number 69186.

On April 3, 2008 the Office mailed a Notice that the March 20, 2008 power of attorney was not accepted as the power was not signed by the three additional inventors.

On April 4, 2008 an unexecuted § 1.63 declaration was filed only identifying Finn as the inventor (the filing date of the application was identified as 2007 rather than 2006).

On December 19, 2008 a power of attorney executed by the VP-Finance of HID Global GMBH in favor of practitioners associated with customer number 22442 was submitted supported by a statement under § 3.73(b) on behalf of Hid Global GMBH showing a chain assignment thereto by three of the inventors (not Finn).

On December 31, 2008 the Office mailed a Notice of Acceptance of Power of Attorney in favor of practitioners associated with customer number 22442 based on the December 19, 2008 submission, and inexplicably also mailed a Notice Regarding Change of Power of Attorney withdrawing power of attorney for those practitioners associated with the same customer number.

Power of Attorney

A review of the PALM data base reveals the existence of a power of attorney in favor of practitioners associated with customer number 22442, presumably based on the December 19, 2008 submission and the December 31, 2008 Notice of Acceptance of Power of Attorney, notwithstanding the mailing of the December 31, 2008 Notice Regarding Change of Power of Attorney.

The December 19, 2008 power of attorney in favor of practitioners associated with customer number 22442 was not submitted by the assignee of the entire right, title and interest of the invention as Finn or the assignee of Finn did not join such submission. Accordingly, there is no basis to accord a power of attorney based on § 3.71.

A power of attorney by the § 1.47(a) applicants would be effective upon grant of the § 1.47(a) petition, but such power has not been submitted.

Declarations under 37 CFR 1.63

A review of the three § 1.63 declarations submitted on March 4, 2008 reveals:

- the declaration by Carre contains un-initialed, un-dated alterations deleting the application number of the instant application and substituting an attorney file number. The cover letter of the March 4, 2008 submission states that the handwritten changes were made by Carre at the time he executed the Declaration. The statement by practitioner will not be accepted in lieu of initialing and dating by the inventor. Section 1.52(c)(1) and MPEP 604.04(a), I and
- the declaration by Lang, including its supplement re § 1.56, does not list the other three inventors. Section 1.63(a)(2).

New § 1.63 declarations by Carre and Lang are required. The instant Decision will not set a specific time frame for submission of such declarations as the declarations are a matter that will be taken up with the § 1.47(a) petition, and applicant may wish to promptly submit such declarations in advance of any time period that may be set by this Decision, particularly as the § 1.47(a) petition is currently being referred to the Office of Petition

Petition Under 37 CFR 1.47(a)

An (ultimately) grantable petition under § 1.47 is an appropriate reply to a Notice to File Missing Parts of Application, requiring execution of the application where an inventor refuses to execute the required § 1.63 declaration. MPEP 409.03. Once granted, the § 1.47 applicant can set forth a power of attorney.

Correspondence Address

Until the attempted execution of the § 1.63 declaration via § 1.47(a) can be acted upon, the correspondence address that will be utilized is the correspondence address set forth in the application data sheet submitted with the application. That correspondence address is the address of practitioners associated with customer number 22442.

Status of Application

The outstanding issues are: (1) defective § 1.63 declarations by Carre and Lang, (2) the need for a decision on the March 4, 2008 petition under § 1.47(a) seeking status on behalf of non-cooperating inventor Finn, and (3) removal of the current power of attorney favoring practitioners associated with customer number 22442 and change of correspondence address to the first named inventor absent submission of a power of attorney by the § 1.47(a) applicants.

Processing

The instant Decision (after mailing in paper form) will be forwarded to the Office of Petitions for resolution of the outstanding issues identified above under Status of Application.

Hiram H. Bernstein
Senior Legal Advisor
Office of Patent Legal Administration
(571) 272- 7707

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Lionel Carre, David Finn	:	
Viroel-Marian Hasegan and	:	DECISION REFUSING STATUS
Ulrich Lang	:	UNDER 37 CFR 1.47(a)
Application No. 11/860,210	:	
Filed: September 24, 2007	:	
Atty Docket No. 2943-175	:	

This is in response to the RESPONSE TO NOTICE OF MISSING PARTS AND PETITION UNDER 37 CFR § 1.47(a) filed March 4, 2008. This decision is made in light of the decision on petition mailed March 4, 2009, establishing the right of the assignee to control prosecution of this application, including receipt of correspondence sent by the Office.

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

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

On March 4, 2008, the instant petition, petition fee[1], statutory filing fee and late surcharge were filed in response to the Notice to File Missing Parts of Application mailed October 4, 2007. This response was made timely by an accompanying petition and fee for extension of time for response within the third month. The response included declarations executed by joint inventors Carre and Hasegan on behalf of themselves and on behalf of nonsigning inventor Finn, and a declaration signed by inventor Lang identifying himself as the sole inventor. Rule 47(a) applicants request acceptance of these declarations without the signature of inventor Finn, on the basis that, he is unwilling to participate in prosecution of this application. In support thereof, applicants submit declarations of fact of Peter Lowe and attorney Todd Blakely.

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

Requirements (1), (3) and (4) have been satisfied. The evidence of record supports a conclusion that inventor Finn refuses to join in the application. The petition includes the required petition fee of $200 and a statement of the last known address of the non-signing inventor.

However, the declarations executed by inventors Carre and Lang are not acceptable as they are not in compliance with §1.63. As stated in the decision re power of attorney, correspondence address mailed March 4, 2009, new declarations are required. The declaration executed by inventor Carre has non-initialed and non-dated alterations. The declaration of inventor Lang fails to identify the entire inventive entity. As such, it is not in compliance with 1.63. As such, it is not executed on behalf of non-signing inventor Finn in non-compliance with 1.47(a). Rule 47(a) requires all available joint inventors to make oath or declaration on behalf of the non-signing inventor.

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[1] The petition fee is $200, not $130. The deficiency of $70 is being charged to petitioner's Deposit Account, as authorized.

It is noted that as of the mailing of this decision, no new declarations had been received in response to the decision mailed March 4, 2009.

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

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

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

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of	:	
Lionel Carre, David Finn	:	
Viroel-Marian Hasegan and	:	DECISION ACCORDING STATUS
Ulrich Lang	:	UNDER 37 CFR 1.47(a)
Application No. 11/860,210	:	
Filed: September 24, 2007	:	
Atty Docket No. 2943-175	:	

This is in response to the REQUEST FOR RECONSIDERATION OF DECISION REFUSING STATUS UNDER 37 CFR 1.47(a) filed May 29, 2009.

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

By decision mailed March 30, 2009, the initial petition filed March 4, 2008, was dismissed for failure to submit an acceptable declaration(s) in compliance with 35 U.S.C. §§ 115 and 116. This deficiency was also noted in a decision re power of attorney, correspondence address mailed March 4, 2009. The declaration executed by inventor Carre has non-initialed and non-dated alterations. The declaration of inventor Lang fails to identify the entire inventive entity. As such, the declaration is not in compliance with 1.63. As such, it is not executed on behalf of non-signing inventor Finn in compliance with 1.47(a). Rule 47(a) requires all available joint inventors to make oath or declaration on behalf of the non-signing inventor.

On renewed petition, applicants submit evidence to show that now inventors Carre and Lang also refuse to sign the declaration.

Of record is a declaration filed March 4, 2008 and executed by inventor Hasegan and identifying the inventive entity (Carre, Finn, Hasegan and Lang) by name, citizenship and post office address in compliance with 37 CFR 1.63. The signature blocks of inventors Carre, Finn and Lang are left blank. This declaration is being accepted as signed by inventor Hasegan on behalf of himself and on behalf of non-signing inventors Carre, Finn and Lang in compliance with 37 CFR 1.47(a).

All requirements of 37 CFR 1.47(a) have now been met.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

Lionel Carre
Aufmberg 24
87637 Seeg
Germany

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of	:	
Lionel Carre, David Finn	:	
Viroel-Marian Hasegan and	:	
Ulrich Lang	:	LETTER
Application No. 11/860,210	:	
Filed: September 24, 2007	:	
Atty Docket No. 2943-175	:	

Dear Mr. Carre:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

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.

DAVID FINN
LOWER CHURCHFIELD
TOURMAKEADY, CO. MAYO
IRELAND

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of	:	
Lionel Carre, David Finn	:	
Viroel-Marian Hasegan and	:	
Ulrich Lang	:	LETTER
Application No. 11/860,210	:	
Filed: September 24, 2007	:	
Atty Docket No. 2943-175	:	

Dear Mr. Finn:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be

directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

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.

Ulrich Lang
Carl-Orff-Ring 129
Marktoberdorf 87616
Germany

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of	:	
Lionel Carre, David Finn	:	
Viroel-Marian Hasegan and	:	
Ulrich Lang	:	LETTER
Application No. 11/860,210	:	
Filed: September 24, 2007	:	
Atty Docket No. 2943-175	:	

Dear Mr. Lang:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/20/2010

Applicant	: Josef Muenz	: DECISION ON REQUEST FOR
Patent Number	: 7580768	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/860,212	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **137** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOUSTON ELISEEVA
4 MILITIA DRIVE, SUITE 4
LEXINGTON MA 02421

COPY MAILED

AUG 1 8 2008

In re Application of

GORCHETCHNIKOV, Anatoli et al.
Application No. 11/860,254
Filed: September 24, 2007
Attorney Docket No. **0167.0001US1**

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 12, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

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: **HEATHER AMES**
252 EAST 8TH ST.
APT. 2
BOSTON MA 02127

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

VARIAN SEMICONDUCTOR EQUIPMENT ASSC., INC.
35 DORY RD.
GLOUCESTER, MA 01930-2297

Mail Date: 04/20/2010

Applicant	: Steven R. Walther	: DECISION ON REQUEST FOR
Patent Number	: 7638781	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/860,333	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/22/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **246** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/860,344	09/24/2007	Ki-Ho Jung	678-1154 DIV	6407

7590 08/28/2009
THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

EXAMINER
PHAM, BRENDA H

ART UNIT	PAPER NUMBER
2416	

MAIL DATE	DELIVERY MODE
08/28/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/02/2009 0030073944

Credit Card Refund Total: $500.00

Acct Exp...: XXXXXXXXXXX1011

Adjustment date: 09/02/2009 NFARMER
09/25/2007 INTEFSW 00014018 11860344
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: JEFFREY H. WOOD	: DECISION ON REQUEST FOR
Patent Number	: 7641146	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/860,345	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **46** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 05/17/2010

Applicant : JEFFREY H. WOOD
Patent Number : 7641146
Issue Date : 01/05/2010
Application No : 11/860,345
Filed : 09/24/2007

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/15/08

TO SPE OF : ART UNIT 3621

SUBJECT : Request for Certificate of Correction for Appl. No.: 11860356 Patent No.: 7415443 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

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

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

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

Comments: _____

SPE [signature] Art Unit 3621

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

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON AZ 85718

COPY MAILED

JAN 12 2009

In re Application of	:	
CARLSON, Renee C.	:	
Application No. 11/860,360	:	DECISION ON PETITION
Filed: September 24, 2007	:	TO WITHDRAW
Attorney Docket No. **CARLSON 06.01**	:	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 November 10, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because there is no indication that all of the acts noted in the above-identified certifications have been performed.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **RENEE CARLSON**
609 NO. GENE PLACE
TUCSON, AZ 85710

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HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON, AZ 85718

Mail Date: 04/20/2010

Applicant	: Rene C. Carlson	: DECISION ON REQUEST FOR
Patent Number	: 7588221	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/860,360	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/24/2007	: 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.

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COLUMBUS OH 43216

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JUN 26 2008

OFFICE OF PETITIONS

In re Application of	:	
Allen A. Aradi, et al.	:	
Application No. 11/860,363	:	DECISION ON PETITION
Filed: September 24, 2007	:	TO WITHDRAW
Attorney Docket No. NMKT-070301.003	:	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 February 7, 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, ***termination of representation by attorneys associated with this customer only***, 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.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Dennis Rainear, Chief Patent Counsel**
Afton Chemical Corporation
330 South 4th Street
Richmond, VA 23219

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HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

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OFFICE OF PETITIONS

In re Application of	:	
Li Mo	:	DECISION ON PETITION
Application No. 11/860,389	:	TO WITHDRAW
Filed: September 24, 2007	:	FROM RECORD
Attorney Docket No. 39240.5	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed April 8, 2009.

The request is **NOT APPROVED**.

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

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

According to a review of current USPTO records petitioner has not recognized a proper recorded assignee concerning the above-identified application and Mr. Zhu Lu is not the first listed inventor. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, this application has been docketed and is ready for examination.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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

Mail Date: 05/06/2010

Applicant	: Robert Bogdan Staszewski	: DECISION ON REQUEST FOR
Patent Number	: 7612612	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/860,392	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/24/2007	: 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.

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TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111

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In re Application of	:	
Hegstrom	:	ON PETITION
Application No. 11/860,415	:	
Filed: September 24, 2007	:	
Attorney Docket No. 019491-015200US	:	

This is in response to the petition under 37 CFR 1.47(b), filed May 2, 2008. In addition, this decision addresses the petition under 37 CFR 1.53(e), filed May 2, 2008, requesting withdrawal of the Notice to File Missing Parts of Nonprovisional Application, mailed October 4, 2007, insofar as it alleges that Figures 3-7 were not among the drawings filed on September 24, 2007.

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

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

Petitioner has shown that the non-signing inventor, Christopher Hegstrom, has refused to join in the filing of the above-identified application.

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

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

With respect to the filing date petition: The application was filed on September 24, 2007. However, on October 4, 2007, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of September 24, 2007, but advising applicant, *inter alia*, that Figures 3-7, as described in the specification, appeared to have been omitted.

In response, on May 2, 2008, petitioner filed the present petition. Petitioner argues that Figures 3-7 were filed on September 24, 2007. Petitioner states that petitioner maintains a copy of

everything filed with the Office in a folder on a network drive entitled, "Previously Filed." The copy of the directory listing of this folder shows that 82 KB of drawings were saved on September 24, 2007. When this document is opened, all 7 figures appear in the document.

Petitioner has not provided persuasive evidence that Figures 3-7 were filed on September 24, 2007. A review of Office records reveals that one page of drawings was filed on September 24, 2007. Applicant uploaded and submitted one page of drawings at 48 KB.

Therefore, the petition is **dismissed**. The $400.00 petition fee is required and will not be refunded.

Petitioner argues that Figures 3-7 are not new matter, as they are described in the specification that was filed on September 24, 2007. Whether Figures 3-7 contain new matter is not the issue. Either the drawings were present in the Office on the filing date of the application or they were not. If they were not present on the filing date, they cannot be considered a part of the original disclosure of the application. The issue of new matter is one appropriately addressed during prosecution of the application after the filing date of the application has been determined. The examiner of record will consider the amendment to add Figures 3-7, filed with the present petition. The examiner of record will determine whether or not Figures 3-7 contain new matter.

The application is being returned to the Office of Patent Application Processing with a filing date of **September 24, 2007.** The replacement sheets of drawings containing Figures 3-7 will not be considered part of the originally filed application and will not be processed as such. After the conclusion of further pre-examination processing, the application will be forwarded to Technology Center 3714 for the examiner of record to consider the amendment to the drawings, filed May 2, 2008.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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CHRISTOPHER HEGSTROM
39 CLINE ROAD
GUILFORD, GREAT BRITAIN
GU13ND
UNITED KINGDOM

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In re Application of	:	
Hegstrom	:	LETTER
Application No. 11/860,415	:	
Filed: September 24, 2007	:	
Attorney Docket No. 019491-015200US	:	

Dear Mr. Hegstrom:

You are named as the sole 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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as sole inventor.

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: TOWNSEND AND TOWNSEND AND CREW LLP/EA
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111

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121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

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JUN 29 2009

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Mark W. Publicover	:	TO WITHDRAW
Application No. 11/860,447	:	FROM RECORD
Filed: September 24, 2007	:	
Attorney Docket No. 4859-76733-02	:	

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 20, 2009.

The request is **NOT APPROVED**.

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

The request was signed by Richard J. Polley on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with same Customer Number.

It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008).

Currently, there is an outstanding Office action mailed December 24, 2008 that requires a reply.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: James K. Guenter	: DECISION ON REQUEST FOR
Patent Number	: 7558489	: RECALCULATION of PATENT
Issue Date	: 07/07/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/860,453	: OF WYETH
Filed	: 09/24/2007	:
		:

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.

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555 WEST FIFTH STREET
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LOS ANGELES CA 90013-1024

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OFFICE OF PETITIONS

In re Application of

Tamura, et al.

Application No. 11/860,464

Filed: September 24, 2007

Attorney Docket No. 393032033801

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed August 15, 2008.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on December 23, 2007, after it was believed no response was received to the Notice to File Corrected Application Papers mailed October 22, 2007. A Notice of Abandonment was mailed on June 25, 2008, indicating that a response was not received.

The instant petition maintains that a response was timely filed on November 28, 2007, however; the response cited an incorrect application serial number. A review of the application file history of application 10/860,864 did reveal the papers filed November 28, 2007. The evidence is convincing that a response was timely received, albeit having been routed to the incorrect application. Because a response was filed with the Office prior to the expiration of the period for reply, the petition is granted and the holding of abandonment withdrawn.

The application file is being forwarded to the Office of Patent Application Processing for further processing. The Scanning Customer Support Center was contacted and a request made to move the paper filed November 28, 2007, from application 11/860,864 to the subject application.

Questions regarding this decision may be directed to the undersigned at (571) 272-3222.

K. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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NILOUFAR GORMAN
5104 LOS FELIZ BLVD.
LOS ANGELES CA 90027

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MAR 12 2008

OFFICE OF PETITIONS

In re Application of	:	
GORMAN, Niloufar	:	
Application No. 11/860,476	:	DECISION ON PETITION
Filed: September 24, 2007	:	TO WITHDRAW
Attorney Docket No. **22898-003**	:	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 November 01, 2007.

The request is **APPROVED**.

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

The request was signed by Edwin Tarver, the sole attorney of record. Edwin Tarver has been withdrawn as attorneys or agents of record. Applicant is reminded that there is no attorney of record at this time. The correspondence address of record remains unchanged.

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **NILOUFAR GORMAN**
5104 LOS FELIZ BLVD.
LOS ANGELES, CA 90027

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CARR LLP (IST)
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS TX 75202

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AUG 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Linh Nguyen	:	DECISION ON PETITION
Application No. 11/860,480	:	TO WITHDRAW
Filed: September 24, 2007	:	FROM RECORD
Attorney Docket No. 06-010-US2 (IST 3500004)	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed July 7, 2009.

The request is **NOT APPROVED**.

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

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

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 03705 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71 The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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AUG 21 2009

OFFICE OF PETITIONS

In re Application of	
Linh Nguyen	
Application No. 11/860,482	DECISION ON PETITION
Filed: September 24, 2007	TO WITHDRAW
Attorney Docket No. 06-010-US3 (IST 3500005)	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29, 2009.

The request is **APPROVED**.

The request was signed by Gregory W. Carr on behalf of all attorneys of record who are associated with customer No. 57004.

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: Linh Nguyen
46 Himoor Circle
Randolph, MA 02368

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900 JACKSON STREET
DALLAS TX 75202

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AUG 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Diederich et al.	:	DECISION ON PETITION
Application No. 11/860,485	:	TO WITHDRAW
Filed: September 24, 2007	:	FROM RECORD
Attorney Docket No. 03-003-US2 (IST 3519006)	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed July 7, 2009.

The request is **NOT APPROVED**.

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

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

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 03705 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71 The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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SoCAL IP LAW GROUP LLP
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WESTLAKE VILLAGE CA 91362

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JUL 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Kunzler et al.	:	DECISION ON PETITION
Application No. 11/860,497	:	TO WITHDRAW
Filed: September 24, 2007	:	FROM RECORD
Attorney Docket No. M013-P07424US	:	

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 **NOT APPROVED** because it is moot.

A review of the file record indicates that on July 14, 2010 the power of attorney to SoCAL IP Law Group LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Otis Patent Law
1181 Wade Street
Highland Park IL 60035

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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SEP 23 2008

LANE PATENTS LLC
100 NORTH 72ND AVE.
SUITE 107
WAUSAU WI 54401

In re Application of	:	
Baker	:	
Application No. 11/860,506	:	DECISION ON PETITION
Filed: September 24, 2007	:	
Attorney Docket No. pdm56U	:	

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

The petition is **GRANTED**.

The application became abandoned February 18, 2008 for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 17, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed August 29, 2008.

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

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

This application is being referred to the Office of Patent Application Processing for appropriate action by the Examiner in the normal course of business on the reply received September 4, 2008.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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Paper No.

Martin Chambers
4721 Maritime Cove
Garland TX 75043-8702

MAILED

FEB 13 2009

OFFICE OF PETITIONS

In re Application of
Martin Chambers
Application No. 11/860,517
Filed: March 3, 2008
Attorney Docket No. N/A

NOTICE

This is in response to the paper filed February 9, 2009 under 37 CFR 1.27(c) seeking status as a small entity.

The statement claiming small entity status of Martin Chambers III has been made of record and small entity status has been accorded.

The application file is being forwarded to Technology Center AU 3643 for appropriate action.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
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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MARTIN CHAMBERS
4721 Maritime Cove
Garland, TX 75043-8702

MAILED

FEB 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Martin CHAMBERS	:	
Application No. 11/860,517	:	ON PETITION
Filed: September 24, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed November 14, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 15, 2009

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0602.

The application file is being forwarded to the Office of Patent Application Processing.

Thurman K. Page
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
www.uspto.gov

MARTIN CHAMBERS
4721 Maritime Cove
Garland, TX 75043-8702

MAILED

FEB 18 2009

OFFICE OF PETITIONS

In re Application of	:	CORRECTED
Martin CHAMBERS	:	DECISION
Application No. 11/860,517	:	ON PETITION
Filed: September 24, 2007	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR §1.137(b), filed February 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The request to refund the petition fee is **DENIED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Incomplete Reply (Nonprovisional) (Notice) mailed November 14, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR § 1.136(a) were obtained. Accordingly, the application became abandoned on January 15, 2009.

The petition satisfies the requirements of 37 CFR §1.137(b) in that petitioner has supplied (1) the reply in the form of a new specification and search fee; (2) the petition fee of $810.00; and (3) an adequate statement of unintentional delay.

Petitioner requested refund of the $810.00 petition fee, alleging that the abandonment was beyond his control. Petitioner submits that all requirements had been met when he received a second Notice of Incomplete Reply, and that several attempts to contact the Office for clarification did not result in sufficient instructions on responding to the Notice letters. Hence as a result, petitioner indicates this was the cause of the abandonment of the instant application.

A review of the record indicates that there were several issues in the Notice of Incomplete Reply letter mailed from the Office on November 14, 2008. The record indicates no attempt by the petitioner to address any of these issues. Specifically petitioner was notified of additional fees, 37

CFR § 1.16(f), due as well as the requirement for a new specification, 37 CFR §§ 1.52, 1.121(b)(3), and 1.125. Additionally petitioner was advised in the Notice that Extensions of Time under the provisions of 37 CFR § 1.136(a) could be obtained if accompanied by the appropriate fee (37 CFR § 1.17(a)). Since the Office did not receive any response to the Notice dated November 14, 2008, the application was statutorily abandoned on January 15, 2009, hence necessitating the petition filed under 37 CFR § 1.137(b).

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay. See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891). A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. 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).

The petitions fee will not be refunded.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0602.

The application file is being forwarded to the Office of Patent Application Processing.

Thurman K. Page
Petitions Examiner
Office of Petitions

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Morrison & Foerster, LLP
425 Market Street
San Francisco, CA 94105-2482

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MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Greg A. Rosenberg et al.	:	
Application No. 11/860,523	:	DECISION ON PETITION
Filed: September 24, 2007	:	TO WITHDRAW
Attorney Docket No. 324212020500	:	FROM RECORD
	:	

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 1, 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 April 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed 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: Yahoo! Inc. c/o Greenberg Traurig, LLP
Met Life Building
200 Park Avenue
New York, NY 10166

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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LAW OFFICE OF ANDREW P LAHSER PLC
13239 N LA MONTANA
SUITE 215
FOUNTAIN HILLS AZ 85268

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MAR 03 2008

In re Application of	:	
Barry S. Brodsky, Cornelius Kemp	:	DECISION ACCORDING STATUS
Application No. 11/860,534	:	UNDER 37 CFR 1.47(a)
Filed: September 24, 2007	:	
Attorney Docket No. 07-128	:	

This is in response to the petition under 37 CFR 1.47, filed February 7, 2008, which is being treated as a petition under 37 CFR 1.47(a).

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

Petitioner has demonstrated that inventor Kemp has refused to sign the declaration after having been presented with the application papers. Specifically, petitioner has stated that Kemp was forwarded the application papers in December 2007, but to date, no executed declaration has been received.

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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

CORNELIUS KEMP
551 S WASHINGTON ST
HAGERSTOWN IN 47346

COPY MAILED

MAR 03 2008

In re Application of :
Barry S. Brodsky, Cornelius Kemp :
Application No. 11/860,534 :
Filed: September 24, 2007 :
Title: Vehicle-Lead Generating Systems : LETTER

Dear Mr. Kemp:

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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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.
11/860,537	09/24/2007	Scott C. Harris	SolarAC	6772

23844 7590 04/04/2008
SCOTT C HARRIS
P O BOX 927649
SAN DIEGO, CA 92192

EXAMINER

ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
04/04/2008	PAPER

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

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

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042008

SCOTT C. HARRIS
P O BOX 927649
SAN DIEGO CA 92192

APR - 4 2008

In re Application of: Scott C. Harris Serial No.: 11/860,537 Filed: September 24, 2007 Attorney Docket No.: SolarAC Title: CHARGING CONTROL IN AN ELECTRIC VEHICLE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102

This is a decision on the petition filed on January 27, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d).

The petition to make the application special is DENIED.

Effective August 25, 2006, the accelerated examination procedure outlined under MPEP 708.02.VIII was replaced by the new accelerated examination procedure outlined in MPEP 708.02(a) and in the Federal Register, vol. 71, No. 122 of June 26, 2006 (71 Fed. Reg. 36323).

To be eligible for accelerated examination under MPEP § 708.02(a) in accordance with 37 C.F.R. § 1.102(d), the following conditions are required:

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

The petition was filed following the procedure outlined in MPEP 708.02 V and VI. This procedure ceased to exist on August 25, 2006, and was replaced by the current procedure outlined in MPEP 708.02(a).

The application as filed is not eligible for the accelerated examination under MPEP 708.02(a), and in accordance with 37 C.F.R. § 1.102(d) because it does not meet conditions 2, 3 and 4 above. Specifically, the petition was not filed at the same time as the application as required by condition 2), the application was not complete and ready for examination at the time it was filed as required by condition 3) because the basic filing fee submitted was not sufficient on filing and the drawings do not comply with 37 CFR 1.84 that resulted in the issuance of the Notice to File Missing Parts of Nonprovisional Application on October 4, 2007, and the application, as filed, contains 5 independent claims and 21 total claims; this is exceeding the maximum independent claims and total claims permitted.

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

It is noted that the petition lacks several requirements for a grantable petition under the current accelerated examination program.

Information about the current accelerated examination procedure may be obtained from the USPTO website at http://www.uspto.gov/web/patents/accelerated/.

Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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COMMISSIONER FOR PATENTS
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Paper No.

RICHARD A. FAGIN
P.O. BOX 1247
RICHMOND TX 77406-1247

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JUN 18 2008

OFFICE OF PETITIONS

In re Application of :
Paulo S. Tubel et al. :
Application No. 11/860,573 :
Filed: March 3, 2008 :
Attorney Docket Number: ZIE-07-06 :
Title: ELECTRICAL POWER SOURCE USING HEAT FROM FLUIDS PRODUCED FROM THE EARTH'S SUBSURFACE :

DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.182

This is a decision on the petition filed March 3, 2008, which is being treated as a petition pursuant to 37 C.F.R. § 1.182.

On September 25, 2007, the above-identified application was deposited. On December 26, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Items in a Non-provisional Application - Filing Date Granted (notice)", advising applicant that Figure 4 appeared to have been omitted. The Notice set a two-month period for response.

On March 3, 2008, Petitioner submitted this petition, along with the petition fee, a set of replacement drawings containing Figure 4, a newly executed declaration along with the fee that is associated with the late submission of the same, and a one-month extension of time so as to make timely this response.

Since it does not appear that Petitioner has stated that the missing drawings were included on filing, in the absence of any discussion of an entitlement to the according of September 25, 2007 as the filing date, the Office must presume that Petitioner

accepts the date of deposit of the formerly omitted drawing as the filing date.

It is noted that this petition contains an amendment directing the entry of the replacement drawings submitted concurrently with this petition. Rule 1.4(c) is hereby waived, *sua sponte*, to the extent that the rule requires that this amendment be presented separately from the petition.

The petition is **GRANTED.**

The Office of Patent Application Processing (OPAP) will be advised to process this application with a **filing date of March 3, 2008**, the date of receipt of the formerly omitted item, Figure 4, using the original application papers deposited on September 25, 2007, as well as the copy of Figure 4 that was submitted with this petition on March 3, 2008. **OPAP will then mail a corrected filing receipt**.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

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.
11/860,577	09/25/2007	Yoichi SEKII	NDC.0011	6835

7590 05/17/2010
VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON, VA 20190

EXAMINER
BRYANT, DAVID P

ART UNIT	PAPER NUMBER
3726	

NOTIFICATION DATE	DELIVERY MODE
05/17/2010	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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Augustment date: 05/17/2010 NFARMER
09/25/2007 INTERSU 00020819 500238 11860577
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

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LEADING-EDGE LAW GROUP, PLC
P. O. BOX 1996
RICHMOND VA 23218

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SEP 11 2008

In re Application of	:	
Summers et al.	:	
Application No. 11/860607	:	DECISION
Filing or 371(c) Date: 09/25/2007	:	ON PETITION
Attorney Docket Number: U1051/008NP	:	

This is a decision on the "Petition Under 37 CFR 1.137(a) to Revive Unavoidably Abandoned Patent Application or, Alternatively, Petition Under 37 CFR 1.137(b) to Revive Unintentionally Abandoned Patent Application," filed June 17, 2008.

The petition under 37 CFR 1.137(a) is hereby **dismissed**.

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

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers ("Notice"), mailed October 9, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on December 10, 2007. A Notice of Abandonment was mailed June 12, 2008.

The present petition

Petitioner states that the delay in responding to the Notice was because, on information and belief, the Notice was received along with the Filing Receipt, and in reviewing the Filing Receipt, Petitioner must have overlooked the Notice.

A Grantable Petition Under 37 CFR 1.137(a)

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a notice of appeal and the requisite fee; a continuing application; an amendment or request for reconsideration which *prima facie* places the application in condition for allowance, or a first or second submission under 37 CFR 1.129(a) if the application has been pending for at least two

years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 USC 120, 121 and 365(c); (**2**) the petition fee as set forth in 37 CFR 1.17(l); (**3**) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (**4**) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

Applicant lacks item (**3**) as set forth above.

Applicable Law, Rules and MPEP

As to item (**3**), Applicant must provide a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable. In order to determine whether the delay was unavoidable, the courts have adopted a "reasonably prudent person" standard. The courts have provided that:

> [t]he word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

"The critical phrase 'unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable' has remained unchanged since first enacted in 1861." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982). The standard for "unavoidable" delay for reinstating a patent is the same as the unavoidable standard for reviving an application. See Ray v. Lehman, 55 F.3d 606, 608-609, 34 U.S.P.Q.2d (BNA) 1786, 1787 (Fed. Cir. 1995) (citing In re patent No. 4,409,763, 7 U.S.P.Q.2d (BNA) 1798, 1800 (Comm'r Pat. 1990; Smith

v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982). The court in In re Mattullath, accepted the standard which had been proposed by Commissioner Hall which

"requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business." In re Mattullath, 38 App. D.C. 497, 514-515 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)). However, "The question of whether an applicant's delay in prosecuting an application was unavoidable [will] be decided on a case-by-case basis, taking all of the facts and circumstances into account."[1] Nonawareness of the content of, or a misunderstanding of, PTO statutes, PTO rules, the MPEP, or Official Gazette notices, does not constitute unavoidable delay.[2]

The statute requires a "showing" by petitioner. Therefore, petitioner has the burden of proof. The decision will be based solely on the written, administrative record in existence. It is not enough that the delay was unavoidable; petitioner must prove that the delay was unavoidable. A petition will not be granted if petitioner provides insufficient evidence to "show" that the delay was unavoidable.

Applicant is further advised that the Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); see also Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987). Specifically, petitioner's delay caused by the actions or inactions of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133 or 37 CFR 1.137(a). Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891). In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

Analysis

Applicant here asserts that the delay in responding to the Office action was unavoidably abandoned due because, on information and belief, the Notice was received along with the Filing Receipt, and in reviewing the Filing Receipt, Petitioner must have overlooked the Notice.

---

[1] Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (1982).

[2] See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D. D.C. 1978) for the proposition that counsel's nonawareness of PTO rules does not constitute "unavoidable" delay)); Vincent v. Mossinghoff, 1985 U.S. Dist. LEXIS 23119, 13, 230 U.S.P.Q. (BNA) 621 (D. D.C. 1985) (Plaintiffs, through their counsel's actions, or their own, must be held responsible for having noted the MPEP section and Official Gazette notices expressly stating that the certified mailing procedures outlined in 37 CFR 1.8(a) do not apply to continuation applications.) (Emphasis added).

The evidence has been considered; however, Petitioner has failed to demonstrate that the application was abandoned unavoidably. The standard requires Petitioner to demonstrate that he acted as a prudent and careful person in relation to is most important business. Petitioner must prove that the delay was unavoidable. A petition will not be granted if petitioner provides insufficient evidence to "show" that the delay was unavoidable. Here, petitioner asserts the delay was unavoidable because the Notice was overlooked. In this regard, a prudent and careful person in relation to his most important business, would have carefully perused all documents received from this Office to ensure timely and proper compliance with any outstanding requirements. While the delay may be said to have been unintentional, it is not found to have been unavoidable.

Petition under 37 CFR 1.137(b)

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

This application is being referred to the Office of Patent Application Processing for processing of the reply to the Notice filed with the petition in due course.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT C. KAIN, JR.
750 SOUTHEAST THIRD AVENUE, SUITE 100
FT LAUDERDALE FL 33316-1153

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DEC 13 2007

OFFICE OF PETITIONS

In re Application of	:	
URSO, Charles A.	:	
Application No. 11/860,684	:	DECISION ON PETITION
Filed: September 25, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **5009-01**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 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 the declaration of inventor Charles A. Urso, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

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

The application is being forwarded to the office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Monica A. Graves
Petitions Examiner
Office of Petitions

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MACPHERSON KWOK CHEN & HEID LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110

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MAR 2 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Giovanni COGLITORE, et al	:	
Application No. 11/860,685	:	DECISION ON PETITION
Filed: September 25, 2007	:	TO WITHDRAW
Attorney Docket No. M-16607 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 8, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Macpherson, Kwok, Chen & Heid LLP, has been revoked by the assignee of the patent application on March 24, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: COOLEY GODWARD KRONISH, LLP
ATTN: PATENT GROUP
SUITE 1100
777 – 6TH STREET, NW
WASHINGTON, DC 20001

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
11/860,685	09/25/2007	Giovanni COGLITORE	M-16607 US

CONFIRMATION NO. 7032

POWER OF ATTORNEY NOTICE

32605
MACPHERSON KWOK CHEN & HEID LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110

OC000000029063355

Date Mailed: 03/25/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/24/2008.

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

/dcgoodwyn/

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

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VARIAN SEMICONDUCTOR EQUIPMENT ASSC., INC.
35 DORY RD.
GLOUCESTER, MA 01930-2297

Mail Date: 04/23/2010

Applicant	: Steven R. Walther	: DECISION ON REQUEST FOR
Patent Number	: 7615748	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/860,696	: 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 **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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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

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JUN 18 2010

OFFICE OF PETITIONS

In re Application of
Markku Oksanen et al.
Application No. 11/860,722
Filed: September 25, 2007
Attorney Docket No. 042933/332197

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 May 20, 2010.

The request is **NOT APPROVED**.

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

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

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

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

Therefore, as there is currently no Statement under 37 CFR 3.73(b) 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 JoAnne Burke at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/860,725	09/25/2007	Naoto Yoshioka	P32300	7103

7055 7590 05/04/2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER
VO, PETER DUNG BA

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
05/04/2010	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):

gbpatent@gbpatent.com
pto@gbpatent.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of:
YOSHIOKA, NAOTO
Serial No.: 11/860,725
Filed: Sep. 25, 2007
Docket: P32300
Title: GAME CONTENTS DELIVERY SYSTEM AND A METHOD OF DELIVERING GAME CONTENTS

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 30, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(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).

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

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 Dmitry Suhol, the SPE of Art Unit 3714, and 571-272-4430 for Class 463 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

HOFFMAN WARNICK LLC
75 STATE ST
14 FL
ALBANY NY 12207

In re Application of	:	
AOKI, KENTARO, et al.	:	DECISION ON REQUEST TO
Application No. 11/860,758	:	PARTICIPATE IN PATENT
Filed: September 25, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. JP920060044US1	:	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 17, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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MOORE & VAN ALLEN, PLLC FOR BOFA
430 DAVIS DRIVE, SUITE 500
POST OFFICE BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

Mail Date: 04/21/2010

Applicant	: Ron Arant	: DECISION ON REQUEST FOR
Patent Number	: 7636500	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/860,813	: 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 **76** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of KOJIMA, KAZUHIKO Application No. 11/860,839 Filed: September 25, 2007 Attorney Docket No. 315090US8	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 12, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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GREENBERG TRAURIG LLP (LA)
2450 Colorado Avenue, Suite 400E
Intellectual Property Department
Santa Monica, CA 90404

NOV 11 2007

In re Application of: KANG *et al.* Serial No.: 11/860,842 Filed: September 25, 2007 Title: **MULTI-SWITCH FLASHLIGHT**	:	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on September 25, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I.1-4; II.1-4, 6.4 and 6.6, above are considered to have been met. However, the petition fails to comply with conditions II. 5, 5.1-5.3, 6.1-6.3, and 6.5, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of II. 5, 5.1-5.3, the search statement should the search logic used as a query for any database search conducted as required by II. 5. The preexamination search provided does not provide any search logic, but rather a list of key words. These key words do not appear to be related to specific limitations of the claims, as required by II. 5.2-5.3. In addition, the preexamintion search must involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement, as set forth in II. 5.1 above. The preexamination search provided only lists a single US Class, and several US Subclasses that were searched in the USPTO. It is not apparent that any search of foreign patent documents or non-patent literature was made, and there is no statement to justify that no references more pertinent than those already identified are likely to be found. For these reasons, the petition does not meet the requirements of II. 5, 5.1-5.3, as set forth above.

Regarding the requirements of II. 6.1-6.3, the examination support document must include an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing **each** reference deemed most closely related to the subject matter of each of the claims. The IDS provided with the petition includes thirty-one references. Only two of the thirty-one references were expounded upon with respect to limitations of the claims. In order to meet the requirement of II 6.2, all the limitations in the claims that are disclosed by the additional references should be specified where the limitation is disclosed in the cited addition reference. This also applies for the requirement of II. 6.3. For these reasons, the petition does not meet the requirements of II. 6.1-6.3, as set forth above

Regarding the requirements of II.6.5, the petition is required to provide a showing of where **each limitation** of the application claims finds support under 35 USC 112, first paragraph, in the written description of the specification. Petitioner neither clearly shows support for each limitation, nor is it pointed out in the written description of the specification. For these reasons, the petition does not meet the requirements of II. 6.5, as set forth above.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer,

from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to Clayton E. LaBalle, Special Program Examiner, at (571) 272-1594.

Clayton E. LaBalle
Special Program Examiner
Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/860,842	09/25/2007	Sukwon Greg Kang	058013-032002/US	7307

33717 7590 02/08/2008
GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

EXAMINER
HAN, JASON

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
02/08/2008	PAPER

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

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

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GREENBERG TRAURIG LLP (LA)
2450 Colorado Avenue, Suite 400E
Intellectual Property Department
Santa Monica, CA 90404

FEB - 8 2008

In re Application of:
KANG *et al.*
Serial No.: 11/860,842
Filed: September 25, 2007
Docket: **V036 1020.1**
Title: **MULTI-SWITCH FLASHLIGHT**

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

This communication is a reply to the petition filed December 05, 2007. The petition is being treated as a petition requesting reconsideration of the previous decision of November 11, 2007, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed September 25, 2007.

The petition to make the application special is GRANTED.

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

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

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

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

3. Office action:

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

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

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

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

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

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

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

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

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

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

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1594.

Clayton E. LaBalle, T-QAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE WI 53202

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Deluca et al.	:	
Application Number: 11/860863	:	ON PETITION
Filing Date: 09/25/2007	:	
Attorney Docket Number: 1256-01434	:	

This is a decision in response to the petition under 37 CFR 1.137(b)[1] filed on February 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on July 3, 2009, for failure to file a timely reply to the non-final Office action mailed on April 2, 2009, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on October 22, 2009.

Receipt of the amendment filed on February 26, 2010 is acknowledged.

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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)).

The application is forwarded to Technology Center Art Unit 1612 for further processing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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ILLINOIS TOOL WORKS INC.
3600 WEST LAKE AVENUE
PATENT DEPARTMENT
GLENVIEW, IL 60025

Mail Date: 04/26/2010

Applicant	: Jason Holt	: DECISION ON REQUEST FOR
Patent Number	: 7682117	: RECALCULATION of PATENT
Issue Date	: 03/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/860,883	: OF WYETH
Filed	: 09/25/2007	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

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

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

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
DAVIS, TAD ALAN, et al.
Serial No.: 11/860,902
Filed: September 25, 2007

Title: **METHODS AND SYSTEMS FOR PROTECTING PRIVATE INFORMATION DURING TRANSCRIPTION**

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

This is a decision on the petition filed on September 25, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

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

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

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient because section 9(C) fails to provide a "detailed explanation of how ***each of the claims*** are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c)" (emphasis added). Petitioner does not provide a detailed explanation of patentability of all claims (including claims 7 and 13) with respect to each reference and if claims do not stand or fall together, how each claim (including claims 7 and 13) is patentably distinct over the cited prior art in combination with the other cited references. Since petitioner has only argued the patentability of the broadest, independent claims and no separate reasons for patentability are argued in regard to any of the dependent claims, it is presumed that petitioner believes that all claims stand or fall together with claim 1. If this is not accurate, then any request for reconsideration must provide a detailed explanation in regard to ***each of the claims*** as set forth in item 6.3 above.

DECISION

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

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

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

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

Kenneth A. Wieder

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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In re Application of:
DAVIS, TAD ALAN, et al.
Serial No.: 11/860,902
Filed: September 25, 2007

Title: **METHODS AND SYSTEMS FOR PROTECTING PRIVATE INFORMATION DURING TRANSCRIPTION**

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 December 20, 2007 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed November 20, 2007 have been met.

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

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

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

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

2. Restriction Practice:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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Michael Kahn
1101 E. Mendocino Street
Altadena, CA 91001

COPY MAILED

JUN 17 2008

In re Application of :
Henderson and Kahn :
Application No. 11/860,912 : Letter
Filed: September 25, 2007 :
Attorney Docket No. 34186/1190(7749P.1US) :
For: Methods Relating to the Treatment of Fibrosis :

Mr. Kahn:

You are named as a joint inventor in the above identified United States patent application.

Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you, or a registered patent attorney or agent on your behalf, have the right to obtain copies of any papers in the file wrapper. 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).

General requests for information regarding the application should be directed to the File Information Unit at (703) 308-2733.

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

Charles Steven Brantley
Petitions Attorney
Office of Petitions

cc: NIXON PEABODY LLP - PATENT GROUP
1100 CLINTON SQUARE
ROCHESTER, NY 14604

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KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND, OR 97204

Mail Date: 05/07/2010

Applicant	: William Armstrong	: DECISION ON REQUEST FOR
Patent Number	: 7654219	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/860,913	: 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 **42** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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OFFICE OF PETITIONS

In re Application of	:	
Ebert et al.	:	
Application No. 11/860,932	:	DECISION ON PETITION
Filed: September 25, 2007	:	
Attorney Docket No. 11371/235	:	

This is a decision on the petition, filed June 23, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed December 20, 2007, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on April 23, 2009.

Petitioner asserts that the Notice dated December 20, 2007 was not received.

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

1. a statement from practitioner stating that the Notice was not received by the practitioner;

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

3. a copy of the docket record where the non-received Notice would have been entered had it been received 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. A petition to withdraw the holding of abandonment does not require a fee and none has been charged.

As petitioner has supplied a response to the Notice on July 3, 2008, this matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 1794 for examination on the merits.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to the Office of Patent Application Processing at (571) 272-4000.

Liana Walsh
Petitions Examiner
Office of Petitions

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1100 CLINTON SQUARE
ROCHESTER NY 14604

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OFFICE OF PETITIONS

In re Application of	:	
William R. Henderson, Emil Y. Chi,	:	DECISION ACCORDING STATUS
Michael Kahn	:	UNDER 37 CFR 1.47(a)
Application No. 11/860,933	:	
Filed: September 25, 2007	:	
Attorney Docket No. 34186/1191	:	

This is in response to the petition under 37 CFR 1.47(a), filed March 3, 2008.

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

Petitioner has demonstrated that inventor Kahn has refused to sign the declaration after having been presented with the application papers.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Group Art Unit 1614 for docketing and examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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MICHAEL KAHN
1101 E MENDOCINO ST
ALTADENA CA 91001

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MAR 19 2008

OFFICE OF PETITIONS

LETTER

In re Application of
William R. Henderson, Emil Y. Chi,
Michael Kahn
Application No. 11/860,933
Filed: September 25, 2007
Title: Methods Relating to the
Treatment of Fibrosis

Dear Mr. Kahn:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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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.
11/860,978	09/25/2007	Young-Hoon SUH	1235-448	7563

7590 11/26/2008
THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE, NY 11553

EXAMINER
TRAN, CHUC

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
11/26/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/28/2008 0030063978

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1011

Adjustment date: 11/28/2008 NFARMER
09/26/2007 INTEFSW 00001822 11860978
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

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DEC 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Christopher Holman, et al.	:	
Application No. 11/860,982	:	DECISION GRANTING PETITION
Filed: September 25, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 025907-0361718	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 30, 2009 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 8, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3725 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 04/20/2010

Applicant	: Tathagata Chatterjee	: DECISION ON REQUEST FOR
Patent Number	: 7595649	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/860,993	: 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 **204** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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Michael Kahn
1101 E. Mendocino Street
Altadena, CA 91001

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JUN 17 2008

In re Application of :
Henderson and Kahn :
Application No. 11/861,009 : Letter
Filed: September 25, 2007 :
Attorney Docket No. 34186/1200(7749P.2US) :
For: Methods Relating to the Treatment of Fibrosis :

Mr. Kahn:

You are named as a joint inventor in the above identified United States patent application.

Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you, or a registered patent attorney or agent on your behalf, have the right to obtain copies of any papers in the file wrapper. 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).

General requests for information regarding the application should be directed to the File Information Unit at (703) 308-2733.

Telephone inquiries regarding this communication may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

cc: NIXON PEABODY LLP - PATENT GROUP
1100 CLINTON SQUARE
ROCHESTER, NY 14604

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NIXON PEABODY LLP - PATENT GROUP
1100 CLINTON SQUARE
ROCHESTER, NY 14604

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JUN 17 2008

In re Application of	:	
Henderson and Kahn	:	
Application No. 11/861,009	:	Decision According Status
Filed: September 25, 2007	:	Under 37 CFR 1.47(a)
Attorney Docket No. 34186/1200(7749P.2US)	:	
For: Methods Relating to the Treatment of Fibrosis	:	

This is a decision on the petition under 37 CFR 1.47(a), filed March 4, 2008.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Technology Center Art Unit will be informed the declaration has been accepted without the signature of Inventor Khan and that the application is in condition to be docketed to an examiner.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/861,041	09/25/2007	Kim Vetter	1993.87US01	7682

24113 7590 06/17/2010
PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

EXAMINER
HOOK, JAMES F

ART UNIT	PAPER NUMBER
3754	

MAIL DATE	DELIVERY MODE
06/17/2010	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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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Application of: VETTER, KIM Serial No. 11/861,041 Filed: Sep. 25, 2007 Docket: 1993.87US01 Title: APPARATUS FOR CONTROLLING FLOW THROUGH A CONDUIT	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 16, 2010 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; and
(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.

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Kevin Shaver, SPE of Art Unit 3754, 571-272-4720.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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Paper No.

NIXON PEABODY LLP - PATENT GROUP
1100 CLINTON SQUARE
ROCHESTER NY 14604

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MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of :
William R. Henderson, Jr., Emil :
Y. Chi, and Michael Kahn :
Application No. 11/861,072 :
Filed: September 25, 2007 :
Attorney Docket Number: :
34186/1201 :
Title: METHODS RELATING TO THE :
TREATMENT OF FIBROTIC DISORDERS :

DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a)[1], filed March 4, 2008.

This petition pursuant to Rule 1.47(a) is **GRANTED**.

On September 25, 2007, the application was filed, identifying William R. Henderson, Jr., Emil Y. Chi, and Michael Kahn as joint inventors. The application was deposited without an executed declaration. On December 20, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted"

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1 A grantable petition under 37 C.F.R. § 1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130, if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) proof that either:
a) a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application, or
b) the non-signing inventor cannot be found or reached after diligent effort, and a statement that these efforts were not successful, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

(Notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

With the present petition, Petitioner has submitted, *inter alia*, the surcharge associated with the late submission of an oath or declaration, a declaration that has been executed by each of the inventors save Mr. Kahn, the petition fee, and a statement of facts. Petitioner has further included a one-month extension of time, so as to make timely this response.

Petitioner has established that a complete copy of the application was sent to the last known address of the non-signing inventor, and that a response has not been received.

Petitioner has met each of the five requirements of Rule § 1.47(a), and has submitted all required fees. Therefore, the petition is **GRANTED** and this application is hereby accorded Rule § 1.47(a) status.

As provided in Rule 1.47, this Office will forward notice of this application's filing to the non-signing inventor at the address given on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[2].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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PROCOPIO CORY HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

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AUG 14 2009

OFFICE OF PETITIONS

In re Application of

Michael C. Pousti et al
Application No. 11/861,115
Filed: September 25, 2007
Attorney Docket No. 116559-1901UT

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 June 29, 2009.

The request is **APPROVED**.

A review of the file record indicates that William D. McSpadden: (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, William D. McSpadden 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: William D. McSpadden
2001 Ross Avenue, Suite 2300
Dallas, TX 75201

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STEVEN J. CAHILL/ ALTERA CORP.
P.O. Box 779
MENLO PARK, CA 94026-0779

Mail Date: 04/21/2010

Applicant	: Kang-Wei Lai	: DECISION ON REQUEST FOR
Patent Number	: 7602255	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/861,144	: 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 **100** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Mark W. Publicover	:	
Application No. 11/861,158	:	DECISION ON PETITION
Filed: September 25, 2007	:	TO WITHDRAW
Attorney Docket No. 4859-79445-03	:	FROM RECORD
	:	

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 11, 2009.

The request is **APPROVED**.

The request was signed by Richard J. Polley on behalf of all attorneys of record.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the named inventor Mark W. Publicover 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: Mark W. Publicover
18505 Marshall Lane
Saratogo, CA 95070

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARK W. PUBLICOVER
18505 MARSHALL LANE
SARATOGO CA 95070

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OFFICE OF PETITIONS

In re Application of	:	
Mark W. Publicover	:	
Application No. 11/861,158	:	DECISION ON PETITION
Filed: September 25, 2007	:	
Attorney Docket No. 4859-79445-03	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 11, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 12, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

This decision ratifies the prosecution from the date of abandonment of the instant application until the date of the granting of this petition. A Notice of Allowance was mailed September 21, 2009 in the above-identified application and a reply is required by December 21, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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OFFICE OF PETITIONS

FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

In re Application of	:	
Richard D. Gless Jr.	:	
Application No. 11/861,189	:	DECISION ON PETITION
Filed: September 25, 2007	:	TO WITHDRAW
Attorney Docket No. **074019-0251**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 14, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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PVF -- SYNOPSYS, INC
c/o PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Michael L. Rieger	: DECISION ON REQUEST FOR
Patent Number	: 7617478	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/861,191	: 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 **99** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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JUL 15 2009

OFFICE OF PETITIONS

Applicant: Paul E. Denney, et al.
Appl. No.: 11/861,193
Filing Date: September 25, 2007
Title: METHOD AND APPARATUS FOR DETECTING EMBEDDED MATERIAL WITHIN AN INTERACTION REGION ON A STRUCTURE
Attorney Docket No.: 028172.078584
Pub. No.: US 2009/0021731 A1
Pub. Date: January 22, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 19, 2009, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the word "a", has been omitted from the title between the words "on" and "structure".

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 on the front page of the publication in the title of the invention may be an Office error, but it is not a material Office error under 37 CFR 1.221. The omission of the word "a" in the title does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine 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.

[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).

On October 5, 2007, a Filing Receipt was mailed by the office, which did not include the word "a". To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a Corrected Filing Receipt prior to export of the application to the publisher and publication of the application.

The Electronic Acknowledgement Receipt received by the Office on September 12, 2008 and March 19, 2009, did not include the work "a".

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

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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Vista IP Law Group LLP
2040 MAIN STREET, Suite 710
IRVINE, CA 92614

Mail Date: 04/21/2010

Applicant	: Garrick L. Maenle	: DECISION ON REQUEST FOR
Patent Number	: 7667890	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/861,227	: 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 **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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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of	:	
Limei Wang et al.	:	
Application No. 11/861,259	:	DECISION ON PETITION
Filed: September 25, 2007	:	TO WITHDRAW
Attorney Docket No. 021822-004410US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 13, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

A courtesy copy of this decision is being mailed to the first named signing inventor. A courtesy copy is being mailed to the address noted in the request. If the attorneys with this firm desire to receive future communication concerning this application, the proper power of attorney documents should be submitted.

There are no outstanding Office actions at this time.

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: Limei Wang
8284 Flanders Drive, Apt. D62
San Diego, CA 92126

cc: Slater & Matsil, LLP
17950 Preston Road
Suite 1000
Dallas, TX 75252

6-25-09

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. BOX 1450
Alexandria, VA 22313-1450

Patent No. : 7,479,450
Serial No. : 11/861,299
Applicant : Mou-Shiung, et. al.
Issued : January 20, 2009

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rules 1.323.

Respecting the alleged applicant's mistake on the 09-02-2008 Terminal Disclaimer sheet, the printed patent does not contain the incorrect information being referred to by applicant. The terminal disclaimer sheet dated 09-02-2008 was used by the office for the purpose of publishing the notice of terminal disclaimer. The notice appears on the title page of patent and lists the term of patent. In this particular case, below the notice is a statement which indicates that the patent is subject to a terminal disclaimer. All of the above identified information mentioned appears on the title page as correct. The inventor names on the title page at Item (75) are correct. The assignee name on the title page at Item (73) is correct. There is no more information concerning the terminal disclaimer to review on the title page or specification in the printed patent. Therefore, the office cannot take any action on this matter.

In view of the foregoing, your request in this matter is hereby denied.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch.

Decisions and Certificates of Correction
Eva James
For Mary Diggs
(703) 756-1583 or 1580

Megica Corporation
Science-Based Industrial Park
Room 301/302, No.47, Park 2nd Rd.
Hsinchu, 30075, Taiwan

ej

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Paper No.

HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON OH 44311-1076

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OCT 01 2008
OFFICE OF PETITIONS

In re Application of :
Vincente Forte :
and David Maddison : DECISION ACCORDING STATUS
Application No. 11/861,458 : UNDER 37 C.F.R. § 1.47(a)
Filed: September 26, 2007 :
Atty Docket No. 114997.00027 :

This is a decision on the PETITION UNDER 37 C.F.R. § 1.47(a) filed March 4, 2008.

The petition is **GRANTED**.

The above-identified application was filed on September 26, 2007, with an application data sheet but without an executed oath or declaration. Accordingly, on October 4, 2007, the Office mailed a "Notice to File Missing Parts of Application," requiring an executed oath or declaration and the surcharge for its late filing. This Notice set a two-month time limit for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed the instant petition, made timely by an accompanying petition and fee for extension of time within the third month. The petition was filed by a registered patent practitioner, and was properly filed as a 37 CFR 1.47(a). (No power of attorney is of record in this application). Accordingly, no further action was necessary to establish the authority to file this petition on behalf of the signing inventor.

Nonetheless, accompanying the petition was a 3.73(b) statement and indication that this application was concurrently being

assigned. Further, the assignment to Funnelly Enough Limited filed March 4, 2008 is of record in the Office at reel/frame No. 020595/0387. However, if it is to be relied on in the future, the 3.73(b) statement filed March 4, 2008 needs to be perfected. Specifically, either box A or B needs to be completed. It is recommended that any 3.73(b) statement be filed prior to the first Office action or concurrently with any response requiring its submission.

On the merits of the petition, the petition includes a declaration executed by joint inventor Forte on behalf of himself and on behalf of non-signing inventor Maddison. Applicant asserts that status under 1.47(a) is proper because joint inventor Maddison refuses to join in the application. In support thereof, applicant submits a statement of facts by Priscilla Makovski, based on first hand knowledge, and including documentary evidence of refusal. This statement supports a conclusion that after having been presented with the application papers inventor Maddison has expressly refused to join in the application.

The declaration filed March 4, 2008, has been reviewed and found in compliance with § 1.63. The petition includes the petition fee and the last known address of inventor Maddison.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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DAVID EDWARD MADDISON
WALNUT TREE YARD
LOWER STREET
FITTLEWORTH
WEST SUSSEX RH20 1JE
GREAT BRITAIN

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OCT 01 2008

OFFICE OF PETITIONS

In re Application of	:	
Vincente Forte	:	
and David Maddison	:	
Application No. 11/861,458	:	LETTER
Filed: September 26, 2007	:	
Atty Docket No. 114997.00027	:	

Dear Mr. Maddison:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Scott Oldham
HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON OH 44311-1076

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HAHN LOESER & PARKS, LLP
ONE GOJO PLAZA
SUITE 300
AKRON, OH 44311-1076

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OFFICE OF PETITIONS

In re Application of	:	
Vincent John Charles Forte, et al.	:	
Application No. 11/861,458	:	DECISION ON PETITION
Filed: September 26, 2007	:	
Attorney Docket No. 114997.00027	:	

This is a decision on the petition, filed July 22, 2009, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

Petitioner requests the Notice of Abandonment mailed July 21, 2009 for failure to respond to the Office action mailed December 15, 2008 be withdrawn as petitioner timely filed a response. As evidenced by the itemized copy of the EFS Acknowledgement Receipt and the Fee Worksheet of June 15, 2009, an amendment and extension of time were timely received by the USPTO. Furthermore, a review of record indicates that the original copy of the response is now in the file.

As the reply authorized the charging of a three-month (3) extension of time due the Notice of Abandonment was premature. Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of December 15, 2008 is hereby **withdrawn** and the application **restored to pending status**.

The required surcharge for the Notice was received in the Office on June 15, 2009. The required three month (3) extension of time was charged to petitioner's deposit account as authorized in the reply filed June 15, 2009.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquires concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3736 for appropriate action in the normal course of business on the reply received with petition.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450

DEWEY & LEBOEUF LLP
1101 NEW YORK AVENUE, NW
WASHINGTON DC 20005

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FEB 12 2009

OFFICE OF PETITIONS

Applicant: Snyder
Appl. No.: 11/861,501
Filing Date: September 26,2007
Title: MASKING OF AND MATERIAL CONSTRAINT FOR DEPOSITING BATTERY LAYERS ON FLEXIBLE SUBSTRATES
Attorney Docket No.: 781339.683057.011000
Pub. No.: US 2008/0078496 A1
Pub. Date: April 3, 2008

This is a decision on the request for a republication of the patent application publication under 37 CFR 1.221, received on May 12, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error in dependent claim 8, wherein "and" is misprinted as "mid".

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected or revised patent application publication other than as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request is not in compliance with the Office electronic filing system requirements, as the copy of the application was not submitted as a "pre-grant publication" submission along with a copy of the application data sheet. Therefore, republication will not take place.

The error in dependent claim 8, wherein "a spring pin and an off-axis roll-down bar" is misprinted as "spring pin mid an off-axis roll-down bar" noted by requestor may be an Office error but it is not a material error under 37 CFR 1.221. The error is an obvious typographical error which is clear from reading the claim and the other surrounding claims such as claim 10 which has the same phrase. The material mistake does affect the public's ability to appreciate

[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 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.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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NIDEC CORPORATION
c/o KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Mail Date: 04/20/2010

Applicant	: Yusuke MAKINO	: DECISION ON REQUEST FOR
Patent Number	: 7646194	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/861,514	: 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 **263** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/861,540	09/26/2007	STEPHANE BEJANIN	G-142US07DIV	8558

7590 03/14/2008
SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE, FL 32614-2950

EXAMINER

ART UNIT	PAPER NUMBER
1645	

MAIL DATE	DELIVERY MODE
03/14/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/861,540	09/26/2007	STEPHANE BEJANIN	G-142US07DIV	8558

7590 03/14/2008
SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE, FL 32614-2950

EXAMINER

ART UNIT	PAPER NUMBER
1645	

MAIL DATE	DELIVERY MODE
03/14/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/21/2008 0030058666

Credit Card Refund Total: $1100.00

Am Exp..: XXXXXXXXXXX1003

Adjustment date: 07/21/2008 NFARMER
09/26/2007 INTEFSW 00000072 11861540
02 FC:1111 -500.00 OP
05 FC:1201 -600.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

COPY MAILED

NOV 1 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Kevin Hutchinson et al	:	
Application No. 11/861,560	:	DECISION GRANTING PETITION
Filed: September 26, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 050704/334686	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 12, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 21, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3651 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON, VA 20190

MAILED

JUN 08 2010

OFFICE OF PETITIONS

In re Application of
Isao KUDO
Application No. 11/861,561
Filed: September 26, 2007
Attorney Docket No. **OKI.655D1**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 8, 2009, 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 October 17, 2008, 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 April 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620; 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 Technology Center AU 2887 for appropriate action by the Examiner in the normal course of business on the reply received December 8, 2009.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Cowan, Liebowitz & Latman P.C.
1133 Ave. of the Americas
New York, NY 10036

In re Application of: Takeshi TAKAHASHI
Application No. 11/861,649
Filed: September 26, 2007
For: DOCUMENT VERIFICATION APPARATUS AND CONTROL METHOD THEREOF

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED
JUL 02 2009
DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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 11, 2009, to make the above-identified application special.

The petition is **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 failed:

1) item (2) above, because a copy of the allowable/patentable claim(s) from the JPO (the original untranslated JPO claims) was not provided.

2) item (3) above, because:
Claim 12 in the US application is for "an apparatus" whereas claim 1 in the JPO patent is for "a document verification apparatus".
Claim 14 in the US application is for "a method" whereas claim 3 in the JPO patent is for "a document verification method".
Claim 16 in the US application does not sufficiently correspond to claim 6 in the JPO patent.

Accordingly, the Petition is **DISMISSED**.

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.

Responses must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

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.

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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.
11/861,649	09/26/2007	Takeshi Takahashi	B588-311 (25815.316)	8719

26272 7590 08/18/2009
COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
08/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Cowan, Liebowitz & Latman P.C.
1133 Ave. of the Americas
New York, NY 10036

In re Application of: Takeshi TAKAHASHI
Application No. 11/861,649
Filed: September 26, 2007
For: DOCUMENT VERIFICATION APPARATUS AND CONTROL METHOD THEREOF

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

AUG 18 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 21, 2009, to make the above identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application 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 are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

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.

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUN 23 2008

ROBERT A. HUNTSMAN, PLLC
5465 EAST TERRA LINDA WAY
NAMPA, ID 83687

In re Application of	:	
Scott Alan DEHART	:	
Application No. 11/861,666	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO WITHDRAW
Attorney Docket No. C131.U02-BASELINE-CONT	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed May 9, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Robert A. Huntsman does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: TECHNOLOGY LAW GROUP, LLC
2215 WEST STATE STREET
BOISE, ID 83702

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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TECHNOLOGY LAW GROUP, PLLC
2215 W. STATE STREET
BOISE, ID 83702

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JUL 16 2008

In re Application of	:	
Scott Alan DEHART	:	CORRECTED
Application No. 11/861,666	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO WITHDRAW
Attorney Docket No. C131.U02-BASELINE-CONT	:	FROM RECORD

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 9, 2008.

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.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: BASELINE, LLC
2700 EAST LANARK STREET,
SUITE 100
MERIDAN, ID 83642

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT A. HUNTSMAN
2215 WEST STATE STREET
BOISE, ID 83702

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NOV 18 2008

In re Application of	:	
Scott Alan DEHART	:	
Application No. 11/861,666	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO WITHDRAW
Attorney Docket No. C131.U02-BASELINE-CONT	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed July 22, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Robert A. Huntsman does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: BASELINE, LLC
2700 EAST LANARK STREET,
SUITE 100
MERRIDIAN, ID 83642

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

Applicant	: Hannu PAASONEN	: DECISION ON REQUEST FOR
Patent Number	: 7614464	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/861,783	: 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 **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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AUG 0 6 2008

OFFICE OF PETITIONS

MR. JACK MAY
1214 MOONSAIL LN
FOSTER CITY CALIFORNIA 94404

In re Application of
Jack May et al
Application No. 11/861,862
Filed: September 26, 2007
For: IMAGING SYSTEM HAVING ENHANCED RESOLUTION

Dear Mr. May: ,

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3208. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc:
TAROLLI, SUNDHEIM, COVELL & TUMMINO
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 05/03/2010

Applicant	: Douglas J. Santry	: DECISION ON REQUEST FOR
Patent Number	: 7613724	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/861,863	: 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 **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Troutman Sanders LLP
Bank of America Plaza
600 Peachtree Street, N.E.
Suite 5200
Atlanta, GA 30308-2216

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Kai-Wai Alexander Choi, et al.	:	
Application No. 11/861,872	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO WITHDRAW
Attorney Docket No. ELLA10	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 13, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Ryan A. Schneider on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Joe Smith at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Kai-Wai Alexander Choi**
6732 West Chester
Houston, TX 77005

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
11/861,872	09/26/2007	Kai-Wai Alexander Choi	ELLA10

CONFIRMATION NO. 9067

POWER OF ATTORNEY NOTICE

6980
TROUTMAN SANDERS LLP
BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA, GA 30308-2216

OC000000036580888

Date Mailed: 06/19/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/13/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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AUG 0 6 2008

OFFICE OF PETITIONS

TAROLLI, SUNDHEIM, COVELL & TUMMINO
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

In re Application of	:	
Jack May et al	:	DECISION GRANTING STATUS
Application No. 11/861,893	:	UNDER 37 CFR 1.47(a)
Filed: September 26, 2007	:	
Attorney Docket No. NG(MS)8597	:	

This is in response to the petition under 37 CFR 1.47(a), filed January 11, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy
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

VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

Mail Date: 04/21/2010

Applicant	: Dana Lee	: DECISION ON REQUEST FOR
Patent Number	: 7577034	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/861,909	: 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 **139** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

Mail Date: 04/20/2010

Applicant	: Michael B. Terry	: DECISION ON REQUEST FOR
Patent Number	: 7623053	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/861,920	: 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 **5** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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FROM DIRECTOR'S OFFICE

NOV 19 2007

TECHNOLOGY CENTER 3600

Robert D. Fish
Fish & Associates, PC
2603 Main Street
Suite 1050
Irvine, California 92614-6232

In re application of
Phil A. Berlin et al.
Application No. 11/861,922
Filed: September 26, 2007
For: CENTRALIZED ELECTRONIC SALES USING A CONSOLIDATOR

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on September 26, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with condition I.3 above.

Because the application was filed with drawings that were not in compliance with rule 1.84a, the application is considered to be incomplete under 37 1.51 because the application was not in condition to be acted upon at the time the application was filed, as evidenced by the "Notice to File Corrected Application Papers" for non-complaint drawings dated September 27, 2007.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure. Given the above failure of filing a complete application, which cannot now be remedied, the petition has not been further reviewed on the merits.

DECISION

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. Further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/jm11/16/07

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

In re Application of	:	
Jeremy C. Wilson	:	
Application No. 11/861,970	:	DECISION ON PETITION
Filed: September 26, 2007	:	
Attorney Docket No. H00151680561(20991)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file corrected drawings on or before December 9, 2007, as required by the Notice to File Corrected Application Papers, mailed October 9, 2007. Accordingly, the date of abandonment of this application is December 11, 2007 (December 9, 2007 was a Sunday).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings containing 6 pages; (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

A courtesy copy of this decision is being mailed to the address given in the petition.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Patent Application Processing for processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

cc: Paul J. Esatto, Jr.
Scully, Scott, Murphy & Presser, PC
400 Garden City Plaza, Ste. 300
Garden City, NY 11530

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES CA 90010

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OFFICE OF PETITIONS

In re Application of	:	
Tae Cho Kang	:	
Application No. 11/861,982	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1444.04	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 27, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's driver's license proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3751 for action on the merits commensurate with this decision.

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/09/09

TO SPE OF : ART UNIT 2884

SUBJECT : Request for Certificate of Correction for Appl. No.: 11861997 Patent No.: 7582870

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571 270 9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

DAVID PORTA
SUPERVISORY PATENT EXAMINER
2884

PAGE 1/1 * RCVD AT 12/18/2009 1:18:27 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/15 * DNIS:2709990 * CSID:703 3087722 * DURATION (mm-ss):01-02

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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CHERSKOV & FLAYNIK
THE CIVIC OPERA BUILDING
20 NORTH WACKER DRIVE, SUITE 1447
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
Bruton Kozak	:	
Application No. 11/862,011	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 0052/01805 CIP	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 23, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. 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 3723 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES P. HANRATH
191 NORTH WACKER DRIVE
SUITE 1800
CHICAGO IL 60606

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MAR 27 2008
OFFICE OF PETITIONS

In re Application of	:	
Tong, et al.	:	
Application No. 11/862,042	:	ON PETITION
Filed: 26 September, 2007	:	
Attorney Docket No. 4001333.0007	:	

This is a decision on the petition filed on 6 December, 2007, under 37 C.F.R. §1.47(a).

For the reasons discussed above and set forth below, the petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

NOTES:

Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 C.F.R. §1.47."

Petitioner's attention is drawn to the concerns that no showing is made as to the effort to determine a reasonably-believed-to-be current or last-known address; to the effort made to contact the non-signing inventor and the transmittal to the non-signing inventor of the of the entire application (description, claims, abstract, drawings) and his refusal to sign; no copy has been provided of the transmittal letter and almost no showing has been made to satisfy the

requirements of regulatory requirements (see, also: the guidance in the Commentary at MPEP §409 et seq.).

BACKGROUND

The record indicates:

- the instant application was filed on 26 September, 2007, without, *inter alia*, a fully executed oath/declaration;
- on 10 October, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 6 December, 2007, Petitioner Adam Sacharoff (Reg. No. 43,075) filed, *inter alia*, an oath/declaration signed by co-inventor Tong for himself and on behalf of non-signing inventor Paul Harrington), a petition and statement of last known address of the non-signing inventor, however, Petitioner provides none of the showings as to the diligent effort to ascertain a valid reasonably -believed-to-be current or last-known address; to the effort made to contact the non-signing inventor and the transmittal to the non-signing inventor of the of the entire application (description, claims, abstract, drawings) and his refusal to sign; no copy has been provided of the transmittal letter and almost no showing has been made to satisfy the requirements of regulatory requirements (see, also: the guidance in the Commentary at MPEP §409 et seq.).

Petitioner is respectfully requested to make a showing as to the diligence employed to ascertain the mailing addresses of the non-signing inventors, and, if necessary, review the guidance in the Commentary at MPEP §409 et seq., and move stepwise to satisfy those requirements, and to provide a copy of the transmittal letter by which the entire application is sent to the non-signing inventor .Petitioner is reminded that Email transmission generally is considered insufficient in the absence of affirmative evidence (i.e., reply) of receipt and ability to read the application in whatever form (e.g., *.doc, *.pdf) transmitted. Petitioner is reminded that these are due process requirements.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office are to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation) since all owe to the Office the continuing duty to disclose.[1]

---

[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

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.

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

> **§ 1.47 Filing when an inventor refuses to sign or cannot be reached.**
> (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.
> * * *

(See, also: 37 C.F.R. §1.63.)

Further, when one alleges a refusal of the inventor to sign the application papers, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who, *inter alia*, presented the inventor with the application papers and/or to whom the refusal was made. (See: the commentary at MPEP §409.03(d).)

Thus, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor with a request that he/she sign the declaration for the patent application–and evidence of that transmittal submitted–but also a reasonable effort must be made to ascertain a current or last known address, and the petition must state over the signature and registration number of the Petitioner the last known address and, if appropriate, evidence of the due diligence effort ascertaining same.

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R.

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and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. '10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

See, specifically, the regulations at 37 C.F.R. §10.18.

§§1.63 and 1.64 must be presented. (The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.[3])

Petitioner's attention is directed to the discussion in the NOTES, BACKGROUND and ANALYSIS, above, and Petitioner should ensure that the deficiencies addressed there are corrected with any future petition herein, to include (but not necessarily be limited to) the requirements that a copy of the transmittal letter forwarding the entire application (description, claims, abstract and drawings) to, and evidencing reasonable diligence in ascertaining a reasonably believed last known/current address for the non-signing inventor, all as required by law.

CONCLUSION

Therefore, the instant petition hereby is **dismissed**, and Petitioner is respectfully requested to make a showing as to the diligence employed to ascertain the mailing addresses of the non-signing inventors, and, if necessary, review the guidance in the Commentary at MPEP §409 et seq., and move stepwise to satisfy those requirements in any future petition herein under 37 C.F.R. §1.47.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

By hand: Mail Stop: Petition
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

---

[3] See: MPEP 409.03(b).

Application No. 11/862,042

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. §1.23) 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

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3 The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

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

ADAM K. SACHAROFF
MUCH SHELIST DENENBERG
AMENT & RUBENSTEIN
191 N. WACKER DRIVE, Suite 1800
CHICAGO IL 60606-1615

COPY MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Tong, et al.	:	
Application No. 11/862,042	:	DECISION
Filed: 26 September, 2007	:	
Attorney Docket No. 4001333.0007	:	

This is a decision on the petition filed on 14 May, 2008, under 37 C.F.R. §1.47(a).

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

A grantable petition under 37 CFR 1.47(a) requires: (1) petition and fee; (2) 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: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

BACKGROUND

The record indicates:

- the instant application was filed on 26 September, 2007, without, *inter alia*, a fully executed oath/declaration;
- on 10 October, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required;
- on 6 December, 2007, Petitioner Adam Sacharoff (Reg. No. 43,075) filed, *inter alia*, an

oath/declaration signed by co-inventor Tong for himself and on behalf of non-signing inventor Paul Harrington), a petition and statement of last known address of the non-signing inventor, however, Petitioner provides none of the showings as to the diligent effort to ascertain a valid reasonably -believed-to-be current or last-known address; to the effort made to contact the non-signing inventor and the transmittal to the non-signing inventor of the of the entire application (description, claims, abstract, drawings) and his refusal to sign; no copy has been provided of the transmittal letter and almost no showing has been made to satisfy the requirements of regulatory requirements (see, also: the guidance in the Commentary at MPEP §409 et seq.). Petitioner was requested to make a showing as to the diligence employed to ascertain the mailing addresses of the non-signing inventors, and move stepwise through the guidance in the Commentary at MPEP §409 et seq.—and the petition was dismissed on 27 March, 2008.

- On 14 May, 2008, Petitioner filed a petition, averred that the non-signing inventor had joined in the oath/declaration, and provided in support of that averment a copy of that oath/declaration in compliance with 37 C.F.R. §1.63—and so evidencing his joinder.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.1

CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **dismissed as moot for joinder**.

In view of the joinder of the inventor, further consideration under 37 C.F.R. §1.47 is not necessary. This application does not have any Rule 1.47 status and no such status should appear

1 See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 11/862,042

on the record for this file. This application should not be returned to this Office for any further consideration under 37 C.F.R. §1.47.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.22) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

2 The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Fernadez & Associates, LLP
1047 El Camino Real
Suite 201
Menlo Park, CA 94025

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MAR 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Paul Sutter	:	
Application No. 11/862,053	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO WITHDRAW
Attorney Docket No. CERT-P011	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2009.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Dennis S. Fernandez and all attorneys/agents associated with customer number 22877 have been revoked by the assignee of the patent application on February 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will 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: Quantcast/Fenwick
Silicon Valley Drive Center
801 California Street
Mountain View, CA 94041

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ALEXANDRIA, VA 22313-1450
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AMERICAN EXPRESS TRAVEL RELATED SERVICES CO., INC.
c/o SNELL & WILMER, L.L.P.
ONE ARIZONA CENTER
400 E. VAN BUREN STREET
PHOENIX AZ 85004-2202

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OCT 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Broman et al.	:	
Application Number: 11/862079	:	DECISION ON PETITION
Filing Date: 09/26/2007	:	
Attorney Docket Number:	:	
60655.0817	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 26 September, 2007.

The petition is **DISMISSED AS MOOT**.

In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in Application No. 10/448,552, filed on 30 May, 2003, of which the instant filing is a continuation application. Furthermore, a copy of the decision, mailed on 2 March, 2004, granting a petition to accord § 1.47(a) status to prior application No. 10/448,552, has been placed in the file of the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is dismissed as moot. No petition fee is necessary and none has been charged.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this divisional application.

After this decision is mailed, the application will be referred to Technology Center 2626 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAY 25 2010

OFFICE OF PETITIONS

YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of John Beatty, et al. Application No. 11/862,108 Filed: September 26, 2007 Attorney Docket No. 324212020200	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 25, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Yahoo C/O MOFO Palo Alto has been revoked by the assignee of the patent application on April 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to 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: YAHOO! INC
701 FIRST AVENUE
SUNNYVALE, CA 94089

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

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Carrolee Barlow, et al.	:	
Application No. 11/862,115	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO WITHDRAW
Attorney Docket No. BRAIN1330-1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 3, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on December 11, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **DLA Piper LLP (US)**
4365 Executive Drive
Suite 1100
San Diego, CA 92121-2133

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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PAUL, HASTINGS, JANOFSKY & WALKER, LLP
875 15TH STREET, NW
WASHINGTON, DC 20005

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NOV 0 6 2008

OFFICE OF PETITIONS

In re Application of	:	
William Farone, et al.	:	
Application No. 11/862,120	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO WITHDRAW
Attorney Docket No. HTWAV.000GEN	:	FROM RECORD
	:	

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 4, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Paul, Hastings, Janofsky & Walker, LLP has been revoked by the assignee of the patent application on July 7, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: KNOBBE, MARTENS, OLSON & BEAR, LLP
ATTN: LINDA H. LIU
3403 TENTH STREET
SUITE 700
RIVERSIDE, CA 92501

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 08 2008

OFFICE OF PETITIONS

STEINFL & BRUNO
301 N LAKE AVE STE 810
PASADENA, CA 91101

In re Application of :
Robert Michael VanDam, et al. :
Application No. 11/862,127 : NOTICE
Filed: Sepember 26, 2007 :
Attorney Docket No. P206-US

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3201.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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O'BRIEN JONES, PLLC (W/IROBOT CORP.)
8200 GREENSBORO DRIVE
SUITE 1020A
MCLEAN VA 22102

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OFFICE OF PETITIONS

In re Application of	:	
Cross et al.	:	
Application No. 11/862,197	:	DECISION ON PETITION
Filed: September 27, 2007	:	
Attorney Docket No: 1007.0028-00000	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 8, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed October 10, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on December 11, 2007. A Notice of Abandonment was mailed June 12, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the Oath/Declaration and the $130.00 Surcharge fee, the $220.00 Additional Claims fee, the $540.00 Search fee and the $220.00 Examination fee; (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $2,350.00, five- month extension of time fee submitted on October 8, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski

Joan Olszewski
Petition Examiner
Office of Petitions

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 04/21/2010

Applicant	: Kenji Wada	: DECISION ON REQUEST FOR
Patent Number	: 7617975	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/862,220	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **82** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/862,237	09/27/2007	Tatsuyuki Agata	Q104120	9714

7590 06/22/2009
SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER
TRIMMINGS, JOHN P

ART UNIT	PAPER NUMBER
2117	

MAIL DATE	DELIVERY MODE
06/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 06/24/2009 NFARMER
09/27/2007 INTEFSW 00004859 194880 11862237
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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R. WILLIAM GRAHAM
22 S. ST. CLAIR STREET
DAYTON, OH 45402

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JAN 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Edward W. Long	:	
Application No. 11/862,266	:	DECISION ON PETITION
Filed: September 27, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. L-00018-002	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 15, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a photocopy of applicant Edward W. Long's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Upon completion of the pre-examination processing by the Office of Initial Patent Examining, this application will be referred to Technology Center Art Unit 3725 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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LAWRENCE E. LAUBSCHER, JR.
LAW OFFICE OF LAWRENCE E.
LAUBSCHER JR.
1160 SPA ROAD, SUITE 2B
ANNAPOLIS, MD 21403

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NOV 28 2008

In re Application of	:	
Erick WASHINGTON	:	
Application No. 11/862,291	:	DECISION ON PETITION
Filed: September 27, 2007	:	TO WITHDRAW
Attorney Docket No. 24896	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 13, 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 Lawrence E. Laubscher, Jr.on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ERICK WASHINGTON
7716 ROTHERTHAM DRIVE
HANOVER, MD 21076

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA-FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

Mail Date: 04/21/2010

Applicant	: Slobadan Pavlovic	: DECISION ON REQUEST FOR
Patent Number	: 7595715	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/862,314	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **193** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON OH 44311-1076

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JUN 15 2010

OFFICE OF PETITIONS

In re Application of
ANTHONY KARO
Application No. 11/862,348
Filed: September 27, 2007
Attorney Docket No. **202773.00007**

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 February 15, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond , pursuant to 37 CFR 10.40.

The request was signed by Scott M. Oldham on behalf of all attorneys of record who are associated with Customer Number 21324.

All attorneys/agents associated with Customer Number 21324 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 Anthony Karo at the address list listed in the request.

The application is now abandoned for failure to respond to the Office action mailed September 24, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: ANTHONY KARO
4301 N. OCEAN BLVD, 1607-A
BOCA RATON, FL 33431

UNITED STATES PATENT AND TRADEMARK OFFICE

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PPG INDUSTRIES INC
INTELLECTUAL PROPERTY DEPT
ONE PPG PLACE
PITTSBURGH PA 15272

MAILED
MAR 29 2010
OFFICE OF PETITIONS

In re Application of	:	
Laura Kiefer, et al.	:	
Application No. 11/862,423	:	ON PETITION
Filed: September 27, 2007	:	
Attorney Docket No. 1787A1D1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 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 two (2) 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 December 8, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620; 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.

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 $620 extension of time fee submitted with the petition on January 14, 2010 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 the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 1796 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P**
901 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20001

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Alexandria, VA 22313-1450
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NEWARK, NJ 07102

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JUN 25 2009

OFFICE OF PETITIONS

In re Application of
Anis Rahman, et. al.
Application No. 11/862,473
Filed: September 27, 2007
Attorney Docket No. 107603-60758

DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the petitions under under 37 CFR 1.78 filed April 15, 2009, which is being treated as petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address filed on April 15, 2009 has not been accepted. However, the signature of Abhik A. Huq appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party on whose behalf he/she acts.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed

> was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment is not acceptable as drafted since 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).

Additionally, in the amendment filed April 15, 2009, petitioner states the filing date of Application No. 10/710,303 is October 15, 2004. However Office records show the filing date for Application No. 10/710,303 is July 1, 2004. The record also shows that Application No. 10/710,303 is filed more than twelve months from Provisional Application No. 60/481,056, for which priority is claimed. Therefore, any intermediate application filed within twelve months from Provisional Application No. 60/481,056 should be included in the amendment.

The Power of Attorney filed on April 15, 2009 is not acceptable in that it fails to comply with the requirements of 37 CFR 3.73(b)[1]. If Abhik A. Huq desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

---

[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.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or substitute 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 decision 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) 272-3226. 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

cc: Abhik A. Huq
Volpe and Koenig, P.C.
30 South 17th Street
Philadelphia, PA 19103-4009

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.
11/862,502	09/27/2007	Shingo Hattori	076376.0832	1131

24735 7590 11/09/2007
BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004-2400

EXAMINER

ART UNIT	PAPER NUMBER
2861	

NOTIFICATION DATE	DELIVERY MODE
11/09/2007	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):

usptocorrespondence@bakerbotts.com
darlene.hoskins@bakerbotts.com
oneka.davis@bakerbotts.com

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C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

NOV - 9 2007

In re Application of: Shingo Hattori et al. Serial No.: 11/862,502 Filed: September 27, 2007 Docket: 076376.0832 Title: INK CARTRIDGES	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. §1.102

This is a decision on the petition filed on September 27, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d) and M.E.P.E.P. §708.02(a).

The petition to make the application special is DISMIISED.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. §1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 C.F.R. §1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 C.F.R. §1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed;

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 C.F.R. §1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 C.F.R. §1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.5, II.6.1, II.6.2, II.6.4 and II.6.6 above. However, the petition does not meet conditions II.6.2 above.

Regarding the conditions set forth in II.6.2 above, the petition fails to include the identification of all the limitations in claims 2, 3, 5 and 16 (all depend from claim 1) that are disclosed by the German Patent Application Publication No. DE 203 16 502 U1, yet the petition identifies the limitations in claim 6 (depends from claim 2). Similarly, the limitations in claims 7 and 10 (dependent from claim 6), 8, 9, 11 through 13, 17 and 18 (dependent directly or indirectly from claim 7) are not discussed with respect to this cited German Publication. Regarding the identification of limitations in the claims disclosed by US patent No. 7,121,655 to Silverbrook, the petition does not identify all the limitations in claims 2, 3, 6, 8-10, and 16-18 that are found therein. The petition also fails to include an identification of all the limitations of all the claims that are disclosed by the cited Japanese Patent Publication No. JP-2006-159707, the Patent Application Publication No. US 2006/0203051 A1 to Kanbe, and the Patent Application Publication No. US 2007/0070140 to Hattori et al. The deficiencies regarding the identification of all the limitations in all the claims that are disclosed by the latter three cited references are similar to the deficiencies regarding DE 203 16 502 U1 and US patent 7,121,655 discussed above and are not specifically pointed out herein.

Petitioner is reminded that a statement explaining why a claim is not deemed anticipated by a cited reference by itself does not satisfy the requirement of condition II.6.2 since such statement indicates a limitation(s) in a claim that is not disclosed by the cited reference but does not identify what limitation(s) in the claim is disclosed by the cited reference as required by condition II.6.2.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is available) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, T-Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/862,502	09/27/2007	Shingo Hattori	076376.0832	1131

24735 7590 02/15/2008
BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004-2400

EXAMINER

ART UNIT	PAPER NUMBER
2861	

NOTIFICATION DATE	DELIVERY MODE
02/15/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@bakerbotts.com
darlene.hoskins@bakerbotts.com
oneka.davis@bakerbotts.com

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1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

FEB 15 2008

In re Application of:
Shingo Hattori et al.
Serial No.: 11/862,502
Filed: September 27, 2007
Docket: 076376.0832
Title: INK CARTRIDGES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This communication is a reply to the "Response to Decision on Petition to Make Special for New Application Under 37 C.F.R. § 1.102" filed December 6, 2007. The Response is being treated as a petition requesting reconsideration of the previous decision of November 9, 2007, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed September 27, 2007.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to M.P.E.P. § 708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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WASHINGTON DC 20004-2400

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JUN 17 2008

OFFICE OF PETITIONS

In re Application of	:	
HATTORI, et al.	:	
Application No. 11/862,502	:	DECISION GRANTING PETITION
Filed: September 27, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **076376.0832**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 10, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 15, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2861 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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P.O. Box 1450
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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
KIEVAL, Robert S. et al.	:	
Application No. 11/862,508	:	DECISION ON PETITION
Filed: September 27, 2007	:	TO WITHDRAW
Attorney Docket No. **021433-002810US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 13, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by James M. Heslin on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROBERT S. KIEVAL**
850 FOXBERRY CIRCLE
MEDINA, MN 55340

cc: **PATTERSON, THUENTE, SKAAR**
& CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

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INTEL CORPORATION
2111 N.E. 25TH AVENUE
JF3-147
HILLSBORO OR 97124

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FEB 1 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Ioan Sauciuc et al	:	
Application No. 11/862,546	:	ON PETITION
Filed: September 27, 2007	:	
Attorney Docket No. P26141	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 18, 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 mailed October 9, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s)(1).

The surcharge fee of $130.00 as required in the Notice mailed October 9, 2007, has **not** been 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) 272-3208.

Karen Creasy

Karen Creasy
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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INTEL CORPORATION
2111 N.E. 25TH AVENUE
JF3-147
HILLSBORO OR 97124

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FEB 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Ioan Sauciuc et al	:	
Application No. 11/862,546	:	ON PETITION
Filed: September 27, 2007	:	
Attorney Docket No. P26141	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 18, 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 mailed October 9, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s)(1).

The surcharge fee of $130.00 as required in the Notice mailed October 9, 2007, has **not** been 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) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Ioan Sauciuc et al	:	
Application No. 11/862,546	:	DECISION ON PETITION
Filed: September 27, 2007	:	
Attorney Docket No. P26141	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

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 executed declaration/surcharge fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed October 9, 2007, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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AT&T LEGAL DEPARTMENT – WK
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT&T WAY
BEDMINSTER NJ 07921

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AUG 0 5 2009

OFFICE OF PETITIONS

In re Application of	:	
John Scherer	:	DECISION ON PETITION
Application No. 11/862,548	:	TO WITHDRAW
Filed: September 27, 2007	:	FROM RECORD
Attorney Docket No. 20009.0320US01/060387	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 26, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Jeramie J. Keys on behalf of attorneys of record, James D. Withers, Arno T. Naeckel, Daniel J. Layden and himself, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with same Customer Number.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a Request for Customer Number Data Change (PTO/SB/124) and not a Request for Withdrawal As Attorney or Agent and Change of Correspondence Address (Form PTO/SB/83).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

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JUN 03 2009
OFFICE OF PETITIONS

In re Application of	:
Erik O. Martz, et al.	:
Application No. 11/862,633	: DECISION ON PETITION
Filed: September 27, 2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 9910/900 US	:

This is a decision on the 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 Application No. 11/304,053, filed December 15, 2005.

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 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1). Petitioner has failed to submit an Application Data Sheet or an amendment to the first sentence of the specification following the title to include a proper reference to the prior-filed application.

The amendment as drafted is unacceptable, as the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Before the petition can be granted, petitioner must submit a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(3).[1]

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web[2]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).

[2] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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ONE UTAH CENTER
SALT LAKE CITY, UT 84111

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Erik O. Martz, et al.	:	
Application No. 11/862,633	:	DECISION ON PETITION
Filed: September 27, 2007	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 9910/900 US	:	

This is a decision in response to the renewed petition, filed June 10, 2009, which is being treated under the provisions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The 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 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3775 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/862,633	09/27/2007	3775	590	9910/900 US	24	3

CONFIRMATION NO. 1364

CORRECTED FILING RECEIPT

32642
STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

OC000000036870578

Date Mailed: 07/10/2009

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)

Erik O. Martz, Savage, MN;
Jean-Charles LeHuec, Bordeaux, FRANCE;
Michael Ahrens, Neustadt I.H., GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 32642

Domestic Priority data as claimed by applicant

This application is a CIP of 11/304,053 12/15/2005
which claims benefit of 60/636,777 12/16/2004

Foreign Applications

If Required, Foreign Filing License Granted: 10/09/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/862,633**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

INSTRUMENT SET AND METHOD FOR PERFORMING SPINAL NUCLECTOMY

Preliminary Class

606

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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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

Mail Date: 04/21/2010

Applicant	: Thomas Elgin Grover	: DECISION ON REQUEST FOR
Patent Number	: 7595442	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/862,642	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

MAILED

OCT 08 2008

TECHNOLOGY CENTER 2100

In re Application of: ASHIDA et al.
Application No. 11/862,734
Filed: September 27, 2007
For: INFORMATION PROCESSING APPARATUS, METHOD, AND PROGRAM FOR GENERATING SETTING INFORMATION FOR ELECTRONIC 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) program and the petition under 37 CFR 1.102(d), filed August 11, 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 are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/862,737	09/27/2007	Detlef Jacobi	015804-0160	1528

24267 7590 02/13/2009
CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

EXAMINER
PATEL, HARSHAD R

ART UNIT	PAPER NUMBER
2855	

MAIL DATE	DELIVERY MODE
02/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ALEXANDRIA, VA 22313-1450
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In re Patent No. JACOBI ET AL.	:	
Appl No.: 11/862,737	:	**DECISION GRANTING**
Filed: September 27, 2007	:	**PETITION**
For: FLOW METER	:	*37 CFR 1:48(a)*
	:	
	:	
	:	
	:	

This is a decision on the petition under 37 CFR 1.48(a), filed October 06, 2008 in the above-identified application.

In view of the papers filed October 06, 2008, it has been found that the patent application, as originally filed, through error and without deceptive intent, improperly set forth the inventorship.

The petition having met all the requirements of 37 CFR 1.48(a) is granted.

The inventorship in the above-referenced application has been changed by adding, Detlef Jacobi, Stephan Neuburger and Udo Stevens as co-inventors therein.

/Harshad Patel/
Primary Examiner, Art Unit 2855
Patent Examining Group 2800

CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/24/2010

Applicant	: Michael Twerdochlib	: DECISION ON REQUEST FOR
Patent Number	: 7654145	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/862,752	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **308** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

Paper No.

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

COPY MAILED

SEP 15 2008

In re Application of Loretta Fitzgerald et al. Filed: September 27, 2007 Application No. 11/862,775 Attorney Docket Number: 2006P21173US01 Title: SYSTEM FOR PROVIDING AN OVERVIEW OF PATIENT MEDICAL CONDITION	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.57

This is a decision on the "PETITION FOR DATE OF DEPOSIT," filed on November 29, 2007, requesting that the above-identified application, including Figure 4, be accorded a filing date of September 27, 2007, as part of the original disclosure. This petition is being treated as a petition pursuant to 37 C.F.R. § 1.57.

Receipt of the concurrently submitted fully-executed declaration and the surcharge associated with the late submission of the same is acknowledged.

The petition is **DISMISSED**.

The application was deposited on September 27, 2007. However, on October 3, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" (notice), stating, *inter alia*, that Figure 4 appeared to have been omitted on filing. The notice set a two-month period of reply.

This petition was filed on November 29, 2007, in response to the notice. Petitioner has included the petition fee and a copy of Figure 4. It is noted that the present application claims the benefit of prior-filed provisional Application Serial No. 60/827,768.

Petitioner has filed this petition, seeking the entry of Figure 4, and has requested that it be accorded a filing date of September 27, 2007, as part of the original disclosure.

Rule § 1.57(a) provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s).

On September 21, 2004, Rule § 1.57 was added to read, *in pertinent part*:

> (1) (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is **completely contained in the prior-filed application** (emphasis added), the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (2) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

MPEP § 201.17(II)(D) sets forth, *in pertinent part*:

> **the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application.**

As set forth above, the present application claims the benefit of prior-filed provisional Application Serial No. 60/827,768. Petitioner has asserted that Figure 4 should be accorded a filing date of September 27, 2007, as

> "…all steps of Figure 4 are comprehensively detailed on pages 9, 10 and 11 of the [non-provisional] application. This Figure is also supported in the provisional application…"

Petitioner's argument has been considered, and it has not been found to be persuasive.

37 C.F.R. § 1.57(a) and MPEP § 201.17(II)(D) each require the inadvertently omitted portion to be completely contained in the prior-filed application, which means that it must be expressly, as opposed to implicitly, disclosed in the prior-filed application. Figure 4 was not completely contained in the provisional application.

Assuming arguendo that the omitted drawing does not need to be completely contained in the prior-filed application, this petition still could not be granted due to the fact that Petitioner has not submitted an amendment directing the entry of Figure 4, as is required by 37 C.F.R. 1.57(a)(2).[1]

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Pursuant to 37 C.F.R. § 1.57." 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,[2] hand-delivery,[3] or facsimile.[4] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[5]

Alternatively, the submission of a paper requesting the dismissal of this petition along with an amendment to the specification that deletes any reference to Figure 4 would be considered a fully-responsive reply.

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

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1 See also 37 C.F.R. § 1.121(a).
2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

to the address will delay the delivery of the response to the decision maker.

The general phone number for OIPE is 571-272-4000. Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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Paper No.

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

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OCT 14 2008

OFFICE OF PETITIONS

In re Application of :
Loretta Fitzgerald et al. :
Filed: September 27, 2007 : DECISION ON RENEWED PETITION
Application No. 11/862,775 : PURSUANT TO 37 C.F.R. § 1.57
Attorney Docket Number: :
2006P21173US01 :
Title: SYSTEM FOR PROVIDING AN :
OVERVIEW OF PATIENT MEDICAL :
CONDITION :

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.57, filed on September 22, 2008, requesting that the above-identified application, including Figure 4, be accorded a filing date of September 27, 2007, as part of the original disclosure.

This renewed petition is **DISMISSED**.

The application was deposited on September 27, 2007. However, on October 3, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" (notice), stating, *inter alia*, that Figure 4 appeared to have been omitted on filing. The notice set a two-month period of reply.

An original petition pursuant to 37 C.F.R. § 1.57 was filed on November 29, 2007, and was dismissed in a decision mailed on September 15, 2008. Petitioner submitted the original petition, seeking the entry of Figure 4, and he requested that it be accorded a filing date of September 27, 2007, as part of the original disclosure.

Rule § 1.57(a) provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s).

On September 21, 2004, Rule § 1.57 was added to read, *in pertinent part*:

> (1) (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is **completely contained in the prior-filed application** (emphasis added), the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (2) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

MPEP § 201.17(II)(D) sets forth, *in pertinent part*:

> **the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application.**

As set forth above, the present application claims the benefit of prior-filed provisional Application Serial No. 60/827,768.

The original petition was dismissed due to the fact that the prior-filed provisional application, to which benefit is claimed, does not contain Figure 4. The decision indicated, *in pertinent part*:

> 37 C.F.R. § 1.57(a) and MPEP § 201.17(II)(D) each require the inadvertently omitted portion to be completely contained in the prior-filed application, which means that it must be expressly, as opposed to implicitly, disclosed in the prior-filed application. Figure 4 was not completely contained in the provisional application.
>
> Decision on original petition, page 3.

With this renewed petition, Petitioner has included an amendment directing the entry of Figure 4. Petitioner has also asserted "the content of Figure 4 is EXPRESSLY (emphasis included) contained within the provisional application 60/827,768 filed on October 2006"[1] due to the fact that the steps of Figure 4[2] are described in the claims that were present in the prior-filed provisional application.

Petitioner's assertion is not accurate. Petitioner has asserted that the content of the newly presented Figure 4 is expressly stated in the provisional application. However, Figure 4 is not contained in the provisional application, *i.e.* there is no figure present in the provisional application that is labeled "Figure 4," and the flowchart that comprises Figure 4 is not present in the provisional application. Moreover, nowhere in the provisional application is the existence of Figure 4 expressly stated. As such, Figure 4 was clearly not included in the provisional application, and the language of the provisional application does not even contemplate its existence. An explicit containment requires that the prior-filed application contain a copy of the figure, or in the very least, a reference to the existence of the same. **Petitioner's usage of a previously filed specification that does not expressly implicate the existence of a figure to *ex post facto* construct a figure is an excellent example of an implicit containment of a figure within the specification, which by law is precluded from subsequent inclusion into a later filed application.** It follows that Figure 4 might have been implicitly contained in the provisional application, but it certainly was not expressly contained therein. Therefore, Petitioner cannot rely on Rule 1.57 to achieve the entry of this figure that was omitted on initial deposit.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition Pursuant to 37 C.F.R. § 1.57." This is not a final agency action within the meaning of 5 U.S.C § 704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[3] hand-delivery,[4] or facsimile.[5] Registered

1 Renewed petition, page 1.
2 Figure 4 consists of a flowchart.
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[6]

Alternatively, the submission of a paper requesting the dismissal of this petition along with an amendment to the specification that deletes any reference to Figure 4 would be considered a fully-responsive reply.

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 decision maker.

The general phone number for OIPE is 571-272-4000. Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[7]

Anthony Knight
Supervisor
Office of Petitions

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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).

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ALEXANDRIA, VA 22313-1450
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Paper No.

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

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JAN 05 2009
OFFICE OF PETITIONS

In re Application of :
Loretta Fitzgerald et al. :
Filed: September 27, 2007 :
Application No. 11/862,775 :
Attorney Docket Number: :
2006P21173US01 :
Title: SYSTEM FOR PROVIDING AN :
OVERVIEW OF PATIENT MEDICAL :
CONDITION :

DECISION ON SECOND RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.57

This is a decision on the second renewed petition pursuant to 37 C.F.R. § 1.57, filed on October 22, 2008, requesting that the Office dismiss this petition and accord this application a filing date of September 27, 2007, without Figure 4.

This second renewed petition is **DISMISSED**.

The application was deposited on September 27, 2007. However, on October 3, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" (notice), stating, *inter alia*, that Figure 4 appeared to have been omitted on filing. The notice set a two-month period of reply.

An original petition pursuant to 37 C.F.R. § 1.57 was filed on November 29, 2007, requesting that the above-identified application, including Figure 4, be accorded a filing date of September 27, 2007, as part of the original disclosure.

This application claims the benefit of prior-filed provisional Application Serial No. 60/827,768. The original petition was

dismissed via the mailing of a decision on September 15, 2008, which indicated that the prior-filed provisional application, to which benefit is claimed, does not contain Figure 4. The decision indicated that 37 C.F.R. § 1.57 and MPEP § 201.17(II)(D) each require the inadvertently omitted portion to be completely contained in the prior-filed application, *i.e.*, the inadvertently omitted portion must be expressly contained. Figure 4 was implicitly contained in the prior-filed application, and therefore, Rule 1.57 cannot be relied upon to achieve the entry of this figure that was omitted on initial deposit.

A renewed petition pursuant to 37 C.F.R. § 1.57 was filed on September 22, 2008, along with an amendment directing the entry of Figure 4 and an assertion that "the content of Figure 4 is EXPRESSLY (emphasis included) contained within the provisional application 60/827,768 filed on October 2006"[1] due to the fact that the steps of Figure 4[2] are described in the claims that were present in the prior-filed provisional application.

The renewed petition was dismissed via the mailing of a decision on October 14, 2008, which indicated that Figure 4 might have been implicitly contained in the provisional application, but it certainly was not expressly contained therein.

The decision on the renewed petition concluded with the following text:

> …the submission of a paper requesting the dismissal of this petition along with an amendment to the specification that deletes any reference to Figure 4 would be considered a fully-responsive reply.
>
> Decision on renewed petition, page 4.

With this renewed petition, Petitioner has requested the dismissal of this petition, and has submitted an amendment to the specification that deletes any reference to Figure 4.

The amendment submitted October 22, 2008 is unacceptable since it does not comply with the requirements of 37 C.F.R. § 1.121(b)(1), since the text being deleted is not contained within double brackets or struck through to indicate that text is being deleted.

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1 Renewed petition, page 1.
2 Figure 4 consists of a flowchart.

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[3]

Anthony Knight
Supervisor
Office of Petitions

3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

APPENDIX

On September 21, 2004, Rule § 1.57 was added to read, *in pertinent part*:

(1) (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is **completely contained in the prior-filed application** (emphasis added), the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(2) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;

(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

MPEP § 201.17(II)(D) sets forth, *in pertinent part*:

the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application.

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4 VENTURE, SUITE 250
IRVINE CA 92618

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NOV 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Yu-Tong Lin	:	
Application No. 11/862,790	:	NOTICE
Filed: September 27, 2007	:	
Attorney Docket No. JCLA24078	:	

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.

Inquiries related to this communication should be directed to Terri Johnson at (571) 272-2991.

Chris Bottorff
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

ROCKWELL AUTOMATION, INC./(FY)
ATTENTION: SUSAN M. DONAHUE, E-7F19
1201 SOUTH SECOND STREET
MILWAUKEE WI 53204

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AUG 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Mann, Joseph F. :
Application No. 11/862,881 : ON PETITION
Filed: September 27, 2007 :
Attorney Docket No. 07AB009-US/YOD :
(ALBR:0206)

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed Oath/Declaration and the $130.00 late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

cc:

PATRICK S. YODER
P.O. BOX 692289, STE. 330
HOUSTON, TX 77269-2289

UNITED STATES PATENT AND TRADEMARK OFFICE

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DUANE MORRIS LLP - PHILADELPHIA
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

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JAN 20 2010

In re Application of **BLAKE,** Robert E. Application No. 11/862,884 Filed: September 27, 2007 Attorney Docket No. **H28799**	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 23, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Won Joon Kouh on behalf of all attorneys of record who are associated with customer No. 08933. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

There is an outstanding Office action mailed October 15, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **HONEYWELL INTERNATIONAL INC.**
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

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Commissioner for Patents
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WORKMAN NYDEGGER
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

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MAR 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Edwards et al.	:	DECISION ON PETITION
Application No. 11/862,886	:	TO WITHDRAW
Filed: September 27, 2007	:	FROM RECORD
Attorney Docket No. 16892.1.2	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed January 20, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed December 23, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

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MAY 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Edwards et al.	:	DECISION ON PETITION
Application No. 11/862,886	:	TO WITHDRAW
Filed: September 27, 2007	:	FROM RECORD
Attorney Docket No. 16892.1.2	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 29, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on May 7, 2010 the power of attorney to Workman Nydegger 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: PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE NM 87102

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.
11/862,889	09/27/2007	Shingo Hattori	076376.0833	1785

24735 7590 11/09/2007
BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004-2400

EXAMINER

ART UNIT	PAPER NUMBER
2861	

NOTIFICATION DATE	DELIVERY MODE
11/09/2007	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):

usptocorrespondence@bakerbotts.com
darlene.hoskins@bakerbotts.com
oneka.davis@bakerbotts.com

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C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

NOV - 9 2007

In re Application of: Shingo Hattori et al. Serial No.: 11/862,889 Filed: September 27, 2007 Docket: 076376.0833 Title: INK CARTRIDGES	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. §1.102

This is a decision on the petition filed on September 27, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d) and M.E.P.E.P. §708.02(a).

The petition to make the application special is DISMIISED.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. §1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 C.F.R. §1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 C.F.R. §1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed;

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 C.F.R. §1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 C.F.R. §1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.5, II.6.1, II.6.2, II.6.4 and II.6.6 above. However, the petition does not meet conditions II.6.2 above.

Regarding the conditions set forth in II.6.2 above, the petition fails to include the identification of all the limitations in claims 2, 3, and 9 (all depend from claim 1) that are disclosed by the German Patent Application Publication No. DE 203 16 502 U1, yet the petition identifies the limitations in claim 10 (depends from claim 2). Similarly, the limitations in claims 2-4, and 6-9 are not discussed with respect to the cited US patent No. 7,121,655 to Silverbrook, the limitations in claims 2, 3 and 5-10 are not discussed with respect to the cited Japanese Patent Publication No. JP-2006-159707. The petition also fails to include an identification of all the limitations of claims 2-10 that are disclosed by the cited Patent Application Publication No. US 2006/0203051 A1 to Kanbe, and by the cited Patent Application Publication No. US 2007/0070140 to Hattori et al.

Petitioner is reminded that a statement explaining why a claim is not deemed anticipated by a cited reference by itself does not satisfy the requirement of condition II.6.2 since such statement indicates a limitation(s) in a claim that is not disclosed by the cited reference but does not identify what limitation(s) in the claim is disclosed by the cited reference as required by condition II.6.2.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is available) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, T-Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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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.
11/862,889	09/27/2007	Shingo Hattori	076376.0833	1785

24735 7590 02/15/2008
BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004-2400

EXAMINER

ART UNIT	PAPER NUMBER
2861	

NOTIFICATION DATE	DELIVERY MODE
02/15/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@bakerbotts.com
darlene.hoskins@bakerbotts.com
oneka.davis@bakerbotts.com

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FEB 15 2008

In re Application of:
Shingo Hattori et al.
Serial No.: 11/862,889
Filed: September 27, 2007
Docket: 076376.0833
Title: INK CARTRIDGES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This communication is a reply to the "Response to Decision on Petition to Make Special for New Application Under 37 C.F.R. § 1.102" filed December 6, 2007. The Response is being treated as a petition requesting reconsideration of the previous decision of November 9, 2007, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed September 27, 2007.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to M.P.E.P. § 708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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JUN 12 2008

OFFICE OF PETITIONS

In re Application of	:	
Shingo Hattori, et al.	:	
Application No. 11/862,889	:	DECISION GRANTING PETITION
Filed: September 27, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 076376.0833	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 11, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 15, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2861 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

April M. Wise
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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MAR 13 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
LEE, CHANG SUB	:	DECISION ON REQUEST TO
Application No. 11/862,906	:	PARTICIPATE IN PATENT
Filed: September 27, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 1630-0283PUS1	:	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 January 28, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 2 above in that although a translation of the claims has been submitted, the petition fails to include a copy of the actual allowable/patentable claims from the KIPO 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

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APR 16 2008

DIRECTOR'S OFFICE
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In re Application of LEE, CHANG SUB Application No. 11/862,906 Filed: September 27, 2007 Attorney Docket No. 1630-0283PUS1	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 31, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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In re Application of	:	
Kuramoto	:	ON PETITION
Application No.: 11/862,920	:	
Filed: September 27, 2007	:	
Attorney Docket No.: 076376.0859	:	

This decision is in response to the petition under 37 CFR 1.47(b), filed May 19, 2008.

The petition is dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;
(2) an acceptable oath or declaration;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest; and
(6) proof of irreparable damage.

This petition lacks items (1) and (2) set forth above.

As to item (1), applicant has failed to establish that the inventor refused to join in the filing of the above-identified application.

The Office requires that the non-signing inventor be provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d). Kazuya Nishimura's declaration is not clear about Mr. Kuramoto's refusal to accept delivery of the patent application, declaration, power of attorney, and assignment documents. Did Mr. Kuramoto explicitly refuse to accept the package mailed October 10, 2007? Or was he unavailable to sign for the package? Please provide documentary evidence supporting Mr. Kuramoto's alleged refusal to accept the package. Please provide an English translation of any documentary evidence in a language other than English.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration **by the party to whom the refusal was made.** Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

A party with first hand knowledge of pertinent events should provide a statement of facts.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration was executed by Tsuyoshi Ohashi, an employee of Brother Industries, Ltd., a party with proprietary interest in the invention. It is not clear that Tsuyoshi Ohashi has authority to bind Brother Industries, Ltd..

The declaration should be signed by an officer of the corporation (President, Vice-President, Secretary, Treasurer of Chief Executive Officer). The signer of the declaration should provide his/her title. A corporation may authorize any person to sign the application on its behalf. However, if the declaration is not signed by an attorney or officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted. MPEP 409.03(b)

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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In re Application of	:	
Kuramoto	:	DECISION GRANTING
Application No.: 11/862,920	:	STATUS UNDER
Filed: September 27, 2007	:	37 CFR 1.47(b)
Attorney Docket No.: 076376.0859	:	

This is in response to the petition under 37 CFR 1.47(b), filed September 2, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Katsuyuki Kuramoto, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Technology Center AU 2612 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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KATSUYUKI KURAMOTO
7-12838-25, NANGO, CHIGASAKI-SHI
KANAGAWA-KEN, JAPAN
253-0061

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SEP 26 2008

In re Application of	:	
Kuramoto	:	Letter
Application No.: 11/862,920	:	
Filed: September 27, 2007	:	
Attorney Docket No.: 076376.0859	:	

Dear Mr. Kuramoto:

You are named as the sole 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(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEYS OF RECORD: BAKER BOTTS LLP
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JUN 14 2010

OFFICE OF PETITIONS

In re Application of
Johnson et al.
Application No. 11/862,930
Filed: September 27, 2007
Attorney Docket No. 07437-00004

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed August 26, 2009. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on November 27, 2009. A Notice of Abandonment was mailed on March 8, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of $1620.00, and (3) a 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 Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
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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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/862,967	09/27/2007	Vijay Raghunathan	YAH1P083/Y02297US00	1940

22434 7590 11/05/2007
BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER
WASSUM, LUKE S

ART UNIT	PAPER NUMBER
2167	

MAIL DATE	DELIVERY MODE
11/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MAILED

NOV 05 2007

Technology Center 2100

Alan S. Hodes
BEYER WEAVER LLP
P.O. Box 70250
Oakland, CA 94612-0250

In re Application of:
Vijay RAGHUATHAN
Serial No.: 11/862,967
Filed: September 27, 2007
Attorney Docket: YAH1P083/Y0229US00
Title: REAL-TIME SEARCH TERM POPULARITY DETERMINATION, BY SEARCH ORIGIN GEOGRAPHIC LOCATION

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on September 27, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/862,976	09/27/2007	Shingo Hattori	076376.0834	1956

24735 7590 11/09/2007
BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004-2400

EXAMINER

ART UNIT	PAPER NUMBER
2861	

NOTIFICATION DATE	DELIVERY MODE
11/09/2007	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):

usptocorrespondence@bakerbotts.com
darlene.hoskins@bakerbotts.com
oneka.davis@bakerbotts.com

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BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

NOV - 9 2007

In re Application of:
Shingo Hattori et al.
Serial No.: 11/862,976
Filed: September 27, 2007
Docket: 076376.0834
Title: INK CARTRIDGES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. §1.102

This is a decision on the petition filed on September 27, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d) and M.E.P.E.P. §708.02(a).

The petition to make the application special is DISMIISED.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. §1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 C.F.R. §1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 C.F.R. §1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed;

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 C.F.R. §1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 C.F.R. §1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.5, II.6.1, II.6.2, II.6.4 and II.6.6 above. However, the petition does not meet conditions II.6.2 above.

Regarding the conditions set forth in II.6.2 above, the petition fails to include the identification of all the limitations in claims 2, 3, 4, 8, 10, 11, 15 and 16 that are disclosed by the German Patent Application Publication No. DE 203 16 502 U1, yet the petition identifies the limitations in claims 6, 7, 12 and 13 (claims 6 and 7 depend directly and indirectly, respectively, from claim 2 and claims 12 and 13 depends directly and indirectly, respectively, from claim 9). Similarly, the limitations in claims 2, 3, 5, 8, 10, 11, 13 and 15 are not discussed with respect to the cited US patent No. 7,121,655 to Silverbrook, the limitations in claims 2-4, 6, 10, 11, 13 and 15 are not discussed with respect to the cited Japanese Patent Publication No. JP-2006-159707. The petition also fails to include an identification of all the limitations of all the claims that are disclosed by the cited Patent Application Publication No. US 2006/0203051 A1 to Kanbe, and by the cited Patent Application Publication No. US 2007/0070140 to Hattori et al.

Petitioner is reminded that a statement explaining why a claim is not deemed anticipated by a cited reference by itself does not satisfy the requirement of condition II.6.2 since such statement indicates a limitation(s) in a claim that is not disclosed by the cited reference but does not identify what limitation(s) in the claim is disclosed by the cited reference as required by condition II.6.2.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is available) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal

of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, T-Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/862,976	09/27/2007	Shingo Hattori	076376.0834	1956

24735 7590 02/15/2008
BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004-2400

EXAMINER
FIDLER, SHELBY LEE

ART UNIT	PAPER NUMBER
2861	

NOTIFICATION DATE	DELIVERY MODE
02/15/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@bakerbotts.com
darlene.hoskins@bakerbotts.com
oneka.davis@bakerbotts.com

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BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

FEB 15 2008

In re Application of:
Shingo Hattori et al.
Serial No.: 11/862,976
Filed: September 27, 2007
Docket: 076376.0834
Title: INK CARTRIDGES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This communication is a reply to the "Response to Decision on Petition to Make Special for New Application Under 37 C.F.R. § 1.102" filed December 6, 2007. The Response is being treated as a petition requesting reconsideration of the previous decision of November 8, 2007, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed September 27, 2007.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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JUN 12 2008

OFFICE OF PETITIONS

In re Application of	:	
Shingo Hattori, et al.	:	
Application No. 11/862,976	:	DECISION GRANTING PETITION
Filed: September 27, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 076376.0834	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 11, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 15, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2861 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

April M. Wise
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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JUL 27 2009

OFFICE OF PETITIONS

MORRISON AND FOESTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

In re Application of	:	
Andrew L. Wu	:	
Application No. 11/862,999	:	DECISION ON PETITION
Filed: September 27, 2007	:	TO WITHDRAW
Attorney Docket No. 11198.106/Q04-1059-US1	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed March 24, 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 assignee of the patent application on April 16, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272- 4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: James P. Broder
Roeder & Broder LLP
9915 Mira Mesa Blvd. Suite 300
San Diego CA 92131

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 05/11/2010

Applicant	: Pieter Gert Wessel van Rooyen	: DECISION ON REQUEST FOR
Patent Number	: 7664528	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/863,003	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **166** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
1900 MAIN STREET, SUITE 600
IRVINE CA 92614-7319

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OFFICE OF PETITIONS

In re Application of
Roger L. Lallone
Application No. 11/863,004
Filed: September 27, 2007
Attorney Docket No. 1958416.00016

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(b)

This decision is in response to the petition filed September 27, 2007 under 37 CFR 1.47(b).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application, naming Roger L. Lallone as the sole inventor, was filed on September 27, 2007 without an executed oath or declaration and with the instant petition claiming that the sole inventor refuses to sign the oath or declaration and seeking status under 37 CFR 1.47(b).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks items (1) and (3).

In regards to item (1), petitioner has not provided sufficient proof that a copy of the complete application (specification including claims, drawings, if any, and the Declaration) was sent or given to the non-signing inventor. [1]

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers to the non-signing inventors or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Likewise, before a refusal can be alleged, petitioners must demonstrate that the non-signing inventor was sent or given a copy of the application papers. Petitioners must provide proof that the inventor refused to sign the declaration after being sent or given a copy of the application papers. If there is a written refusal, petitioners must provide a copy thereof with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

With respect to the fee for a petition under 37 CFR 1.47(b), the fee is set at $200.00 but has not been included with the instant petition. Since neither the petition fee nor a general authorization to charge any required fees, accompanied the petition, the petition is dismissed for failure to comply with the requirement of paragraph (2) above.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] MPEP 409.03(d)

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P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL P. MORRIS
BOEHRINGER INGELHEIM CORPORATION
900 RIDGEBURY RD
P O BOX 368
RIDGEFIELD CT 06877-0368

OCT 24 2007

In re Application of	:
Volker Trach et al	: DECISION ON PETITION TO MAKE
Serial No.: 11/863,008	: SPECIAL FOR NEW APPLICATION
Filed: September 27, 2007	: UNDER 37 C.F.R. § 1.102 & M.P.E.P.
Attorney Docket No.: BIC-1/1112-5-C5	: § 708.02

This is a decision on the petition filed September 27, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in an agreement that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a Final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the Final Office action, applicant must: 1) promptly file a Notice of Appeal, an Appeal Brief and Appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after Final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a Final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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.
11/863,066	09/27/2007	Shingo Hattori	076376.0835	1103

24735 7590 02/15/2008
BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004-2400

EXAMINER

ART UNIT	PAPER NUMBER
2861	

NOTIFICATION DATE	DELIVERY MODE
02/15/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@bakerbotts.com
darlene.hoskins@bakerbotts.com
oneka.davis@bakerbotts.com

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BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

FEB 15 2008

In re Application of:
Shingo Hattori et al.
Serial No.: 11/863,066
Filed: September 27, 2007
Docket: 076376.0835
Title: INK CARTRIDGES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This communication is a reply to the "Response to Decision on Petition to Make Special for New Application Under 37 C.F.R. § 1.102" filed December 6, 2007. The Response is being treated as a petition requesting reconsideration of the previous decision of November 8, 2007, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed September 27, 2007.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to M.P.E.P. § 708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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OFFICE OF PETITIONS

CHEVRON CORPORATION
P.O. BOX 6006
SAN RAMON, CA 94583-0806

In re Application of Hee et al. :
Application No. 11/863,068 :
Filing Date: September 27, 2007 :
Attorney Docket No. T-6932 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed February 4, 2010, to revive the application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 8, 2009, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on Tuesday, August 11, 2009. A Notice of Abandonment was mailed on December 24, 2009.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the non-final Office action and the petition fee of $1,620. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Technology Center Art Unit 1797 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: Penny Prater
6001 Bollinger Canyon Rd.
San Ramon, CA 94583

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OFFICE OF PETITIONS

In re Application of	:	
Edwards et al.	:	DECISION ON PETITION
Application No. 11/863,071	:	TO WITHDRAW
Filed: September 27, 2007	:	FROM RECORD
Attorney Docket No. 16892.1.3	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed January 20, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Edwards et al.	:	DECISION ON PETITION
Application No. 11/863,071	:	TO WITHDRAW
Filed: September 27, 2007	:	FROM RECORD
Attorney Docket No. 16892.1.3	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 29, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by R. Burns Israselsen on behalf of all attorneys of record who are associated with Customer No. 22913.

All attorneys/agents associated with Customer Number 22913 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: TRED DISPLAYS CORPORATION
2317 MANZANO LOOP NE
RIO RANCHO, NEW MEXICO 87144

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MAR 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Edwards et al.	:	DECISION ON PETITION
Application No. 11/863,104	:	TO WITHDRAW
Filed: September 27, 2007	:	FROM RECORD
Attorney Docket No. 16892.1.4	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed January 20, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Edwards et al.	:	DECISION ON PETITION
Application No. 11/863,104	:	TO WITHDRAW
Filed: September 27, 2007	:	FROM RECORD
Attorney Docket No. 16892.1.4	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 29, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by R. Burns Israselsen on behalf of all attorneys of record who are associated with Customer No. 22913.

All attorneys/agents associated with Customer Number 22913 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: TRED DISPLAYS CORPORATION
2317 MANZANO LOOP NE
RIO RANCHO, NEW MEXICO 87144

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Foley & Lardner LLP
P.O. Box 80278
San Diego, CA 92138-0278

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Vijay K. Ujjain, et al.	:	
Application No. 11/863,135	:	DECISION ON PETITION
Filed: September 27, 2007	:	TO WITHDRAW
Attorney Docket No. WM41480TS/46-068	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 28, 2009.

The request is **NOT APPROVED** because it is 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 February 29, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Law Office of Charles W. Bethards, LLP**
P.O. Box 1622
Colleyville, TX 76034

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LESLIE B. OVERMAN
4350 LA JOLLA VILLA DRIVE
SAN DIEGO, CA 92122

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OFFICE OF PETITIONS

In re Application of	:	
Peter RALPH	:	
Application No. 11/863,138	:	DECISION ON PETITION
Filed: September 27, 2007	:	TO WITHDRAW
Attorney Docket No. 39766-0066D1C1		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 20, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorneys of record were not appointed by Customer Number 25213, as indicated.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK CA 94025-1105

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
11/863,147	09/27/2007	Shingo Hattori	076376.0836	1247

24735 7590 11/09/2007
BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004-2400

EXAMINER

ART UNIT	PAPER NUMBER
2861	

NOTIFICATION DATE	DELIVERY MODE
11/09/2007	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):

usptocorrespondence@bakerbotts.com
darlene.hoskins@bakerbotts.com
oneka.davis@bakerbotts.com

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C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

NOV - 9 2007

In re Application of: Shingo Hattori et al. Serial No.: 11/863,147 Filed: September 27, 2007 Docket: 076376.0836 Title: INK CARTRIDGES	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. §1.102

This is a decision on the petition filed on September 27, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d) and M.E.P.E.P. §708.02(a).

The petition to make the application special is DISMIISED.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. §1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 C.F.R. §1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 C.F.R. §1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed;

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 C.F.R. §1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 C.F.R. §1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.5, II.6.1, II.6.2, II.6.4 and II.6.6 above. However, the petition does not meet conditions II.6.2 above.

Regarding the conditions set forth in II.6.2 above, the petition fails to include the identification of all the limitations in claims 5, 6 and 11-13 that are disclosed by the US Patent Application Publication Nos. 2005/002445 A1 and by US patent No. 6,676,237. The limitations in claims 2, 5, 6 and 11-13 that are disclosed by US Patent Application Publication No. 2005/0195225 A1 are not identified. Similarly, the limitations in claims 6, 11 and 12 are not discussed with respect to the cited US patent No. 6,409,302 to Altfather et al.

Petitioner is reminded that a statement explaining why a claim is not deemed anticipated by a cited reference by itself does not satisfy the requirement of condition II.6.2 since such statement indicates a limitation(s) in a claim that is not disclosed by the cited reference but does not identify what limitation(s) in the claim is disclosed by the cited reference as required by condition II.6.2.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is available) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, T-Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/863,147	09/27/2007	Shingo Hattori	076376.0836	1247

24735 7590 02/15/2008
BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004-2400

EXAMINER

ART UNIT	PAPER NUMBER
2861	

NOTIFICATION DATE	DELIVERY MODE
02/15/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@bakerbotts.com
darlene.hoskins@bakerbotts.com
oneka.davis@bakerbotts.com

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022008

BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

FEB 15 2008

In re Application of:
Shingo Hattori et al.
Serial No.: 11/863,147
Filed: September 27, 2007
Docket: 076376.0836
Title: INK CARTRIDGES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This communication is a reply to the "Response to Decision on Petition to Make Special for New Application Under 37 C.F.R. § 1.102" filed December 6, 2007. The Response is being treated as a petition requesting reconsideration of the previous decision of November 9, 2007, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed September 27, 2007.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to M.P.E.P. § 708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN DIEGO, CA 92130-2040

In re Application of	:	
Martin Warwick Beale	:	
Application No. 11/863,205	:	DECISION ON PETITION
Filed: September 27, 2007	:	TO WITHDRAW
Attorney Docket No. **562492009200**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 10, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the address for neither the first named inventor nor the assignee of record was not provided in the request. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 or, the most current address of the first named inventor. The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FITZPATRICK CELLA (TELLABS)
30 ROCKEFELLER PLAZA
NEW YORK NY 10112-3800

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JUN 30 2008

OFFICE OF PETITIONS

In re Application of	:	
Jaladanki, et al.	:	
Application No. 11/863,214	:	ON PETITION
Filed: September 27, 2007	:	
Attorney Docket No. 02495.000073	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 14, 2008 (certificate of mailing date February 11, 2008).

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, Albert Fong, has constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After the mailing of this decision, the application will be forwarded to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALBERT FONG
1683 25TH AVENUE
SAN FRANCISCO CA 94122

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JUN 30 2008

OFFICE OF PETITIONS

LETTER

In re Application of :
Jaladanki, et al. :
Application No. 11/863,214 :
Filed: September 27, 2007 :
Attorney Docket No. 02495.000073 :

Dear Mr. Fong:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: FITZPATRICK CELLA (TELLABS)
30 ROCKEFELLER PLAZA
NEW YORK NY 10112-3800

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United States Patent and Trademark Office
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SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND TX 77478

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OCT 2 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Fadhel Rezgui et al.	:	
Application No. 11/863,336	:	DECISION ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. 21.1401-US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 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 October 29,2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 30, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The petition lacks (1) in that the declaration filed concurrently with the instant petition is not acceptable. In the section of the declaration pertaining to "duty to disclose," "examination" needs to be replaced with --patentability-- and "1.56(a)" needs to be replaced with -- 1.56 --.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) 21.1401

First named inventor: Fadhel Rezgui

Application No.: 11/863336 Art Unit: 3672

Filed: 09/28/2007 Examiner:

Title: Measurement Ahead of the Drilling Bit by Analysis of Formation Cuttings Using Ultraviolet Light to Detect the Presence of Oil or Gas

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☑ Other than small entity – fee $ 1540 (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of Response to Notice to File Missing Parts (identify type of reply):

☐ has been filed previously on _____.
☑ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.
☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Bryan L. White	7/14/08
Signature	Date
Bryan L. White	45211
Typed or printed name	Registration Number, if applicable
200 Gillignham Lane, MD200-9	281-285-6493
Address	Telephone Number
Sugar Land, TX 77478	
Address	

Enclosures: ☑ Fee Payment

☑ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being: via EFS-Web

☒ 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.

7/14/08	Kerry Morris
Date	Signature
	Kerry Morris
	Typed or printed name of person signing certificate

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
Application No.	Filing Date

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status-patented, pending, abandoned
Application Serial No.	Filing Date	Status-patented, pending, abandoned

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Name	Registration No.	Name	Registration No.
Jeffrey E. Griffin	36,534	Jaime Castaño	41,660
Wayne I. Kanak	35,564	Victor H. Segura	44,329
Dale Gaudier	28,213	Tim W. Curington	45,944
Bryan L. White	45,211	Robin C. Nava	42,926
Jennie Salazar	45,065	Brigitte L. Echols	38,925
Bryan Galloway	50,312	William Wang	39,871
Danita Maseles	33,419	William Batzer	37,088
Kevin P. McEnaney	46,258	David Cate	49,091
George B. Georgellis	43,632	James Kurka	47726
Jonna Flores	56803		

I hereby request that all correspondence, notices, official letters and other communication be directed to Schlumberger Technology Corporation, ATTN: IP Counsel, 200 Gillingham Lane, Sugar Land, TX 77478; and that all telephone calls be directed to: Brigitte L. Echols, at (281) 285-7067, Schlumberger Oilfield Services, 200 Gillingham Lane, Sugar Land, Texas 77478. **Our Customer Service No. is 23718.**

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
11/863,336	09/28/2007	Fadhel Rezgui	21.1401-US

CONFIRMATION NO. 1549

23718
SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND, TX 77478

FORMALITIES LETTER

OC000000026393488

Date Mailed: 10/29/2007

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of **$130** for a non-small entity, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$130** for a non-small entity
- **$130** Surcharge.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/bzewdie/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND TX 77478

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DEC 3 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Fadhel Rezgui et al.	:	
Application No. 11/863,336	:	DECISION ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. 21.1401-US	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 5, 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 October 29, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 30, 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 filed December 5, 2008, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Patent Application Processing.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE IL 61265

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OFFICE OF PETITIONS

In re Application of
Daniel Eric Derscheid et al
Application No. 11/863,338
Filed: September 28, 2007
Attorney Docket No. 17709-US

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 10, 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 Notice of Allowance/Notice of Allowability mailed April 21, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent and for review of the replacement drawings submitted on September 10, 2008.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

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JUL 22 2008

OFFICE OF PETITIONS

In re Application of :
Sameer K. AJMERA et al. :
Application No. 11/863,477 :
Filed: September 28, 2007 :
Attorney Docket No. TI-60483 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 20, 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 October 12, 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 December 13, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees and oath or declaration; (2) the petition fee of $1540.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of October 12, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

The application is being referred to the Office of Patent Application Processing.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6TH FLOOR
HOUSTON TX 77070

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MAY 11 2010

OFFICE OF PETITIONS

In re Application of	:	
Naghavi et al.	:	DECISION ON PETITION
Application No. 11/863,490	:	TO WITHDRAW
Filed: September 28, 2007	:	FROM RECORD
Attorney Docket No. 662-0014US	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed March 5, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. Customer Number 26328 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71 As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Additionally, the electronic signature on the petition is considered improper. Petitioner has used two forward slashes where one is required and it is unclear from the letters in between the slashes as to the identity of the person signing the petition. Petitioner is directed to 37 CFR 1.4(d)(2) for proper electronic signature requirements.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

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MCNEES WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG PA 17108-1166

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DEC 17 2007

OFFICE OF PETITIONS

In re Application of	:	
H. Alfred Eberhardt et al.	:	
Application No. 11/863,553	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 25836-0002	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 28, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**..

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from one of the applicant's declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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PANITCH SCHWARZE BELISARIO & NADEL LLP–
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

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In re Application of	:	
Robert L. Leon	:	
Application No. 11/863,615	:	DECISION ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. 681578.0018US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 25, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 26, 2008. A Notice of Abandonment was mailed April 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3654 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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Fujitsu Patent Center
C/O CPA Global
P.O. Box 52050
Minneapolis MN 55402

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OFFICE OF PETITIONS

In re Application of	:	
Eiichi Mori	:	
Application No. 11/863,636	:	DECISION GRANTING PETITION
Filed: September 28, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 05-50521	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 1, 2009 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 25, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2838 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 07 2009

HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

In re Application of:	:
Tung et al.	:
Serial No.: 11/863,645	: SUSPENSION OF ACTION
Filed: September 28, 2007	:
Attorney Docket No.: **H0006823-4510**	:

This is in reply to the petition under 37 CFR 1.103(a) to suspend action in this application at applicants' request for a six month period of time, filed January 12, 2009.

BACKGROUND

Applicants request prosecution in this application be suspended for six months because applicants contend that the subject matter defined by the claims now pending produces unexpected results relative to the disclosures contained in the cited patent documents. Therefore, applicants request suspension in order to further consider additional evidence supporting the patentability of the invention.

DISCUSSION

§ 1.103 Suspension of action by the Office.

(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
(1) A showing of good and sufficient cause for suspension of action; and
(2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office.

Applicants have replied to the last Office action by filing an appropriate response. Applicants have shown good and sufficient reason for suspension.

DECISION

In view of the above, the petition for suspension of action is **GRANTED** for a period of six months from the date of mailing of this decision.

Should applicants obtain the requisite data prior to the expiration of the period of suspension, a submission of the results should be promptly forwarded to the Office so that prosecution may be resumed.

Should there be any questions with respect to this action, please contact the examiner or Marianne Seidel, by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office general facsimile number, 571-273-8300.

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
www.uspto.gov

INTERNATIONAL TRUCK INTELLECTUAL PROPERTY COMPANY,
4201 WINFIELD ROAD
P.O. BOX 1488
WARRENVILLE, IL 60555

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MAY 27 2008

In re Application of	:	
LARSON, Gerald L. et al.	:	
Application No. 11/863,646	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **D6052CIP**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 16, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement attesting that Gerald Larson is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
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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BLANCHARD & ASSOCIATES
566 WEST ADAMS STREET
SUITE 600
CHICAGO, IL 60661

MAILED

JAN 13 2010

OFFICE OF PETITIONS

In re Application of
Wai Ching Andy Lau
Application No. 11/863,671
Filed: September 28, 2007
Attorney Docket No. **WKG03_001_US**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed November 24, 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 66140 has been revoked by the applicants of the patent application on December 1, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: WILKINSON & GRIST
6TH FLOOR, PRINCE"S BUILDING
CHATER ROAD, CENTRAL
HONG KONG HK HONG KONG

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.
11/863,685	09/28/2007	Wei WEI	315543US2SX	2137

7590 09/24/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
ALLEN, JEFFREY R

ART UNIT	PAPER NUMBER
3781	

NOTIFICATION DATE	DELIVERY MODE
09/24/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/24/2009 0030074740

Credit Card Refund Total: $500.00

Acct Exp..: XXXXXXXXXXX1009

Adjustment date: 09/24/2009 NFARMER
10/01/2007 INTEFSW 00002673 11863685
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

Cantor Colburn, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

In re Application of	:	
Hajime Takahashi et al.	:	
Application No. 11/863,710	:	DECISION ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. YK10233US2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 11, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed October 11, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 12, 2007. A Notice of Abandonment was mailed April 7, 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 English translation for provisional application no. 60/964,652, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay. Accordingly the translation is accepted as being unintentionally delayed.

Telephone inquiries regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received May 11, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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KLEIN, O'NEILL & SINGH, LLP
43 CORPORATE PARK
SUITE 204
IRVINE, CA 92606

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DEC 17 2008

In re Application of	:	
Paul Mcavoy et al	:	
Application No. 11/863,714	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHFRAW
Attorney Docket No. SDA-1224-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR 1.36(b) filed May 23, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Klein, O'Neill & Singh, LLP has been revoked by the assignee of the patent application on October 29, 2008. 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 inquiries concerning this decision should be directed to Carl Friedman at 571-272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

Cc: TOLER LAW GROUP
8500 BLUFFSTONE COVE, SUITE A201
AUSTIN TX 78759

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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BAKER BOTTS LLP
910 LOUISIANA
HOUSTON TX 77002-4995

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JUN 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Phiroz M. Boyce, Meherwan P. Boyce	:	DECISION ACCORDING STATUS
Application No. 11/863,731	:	UNDER 37 CFR 1.47(a)
Filed: September 28, 2007	:	
Attorney Docket No. 077453.0105	:	
	:	

This is in response to the petition under 37 CFR 1.47(b), filed May 19, 2008, which is properly treated as a petition under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has demonstrated that inventor Meherwan P. Boyce has refused to sign the declaration after having been presented with the application papers. Petitioner states that a copy of the application papers was forwarded to Boyce on September 24, 2007. However, as of the date of the petition, no response had been received.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

A petition under 37 CFR 1.47 requires a petition fee of $200. Petitioner submitted $130. Accordingly, $70 has been charged to Deposit Account No. 02-0383, as authorized.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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JUN 17 2008

OFFICE OF PETITIONS

MEHERWAN P BOYCE
2121 KIRBY DR #28N
HOUSTON TX 77019

In re Application of
Phiroz M. Boyce, Meherwan P. Boyce
Application No. 11/863,731
Filed: September 28, 2007
Title: Integrated Biomass Energy System

LETTER

Dear Mr. Boyce:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
340 KINGSLAND STREET
NUTLEY NJ 07110

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OFFICE OF PETITIONS

In re Application of	:	
Ambrosius, et al.	:	
Application No. 11/863,733	:	ON PETITION
Deposited: September 28, 2007	:	
Attorney Docket No. 20984 US1	:	

This is in response to the "PETITION UNDER 37 CFR 1.57(a)", filed February 14, 2008, requesting that the above-referenced application be accorded a filing date of September 28, 2007. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on September 28, 2007. However, on February 4, 2008, 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 1.78.

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.

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of September 28, 2007 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded to Deposit Account No. 08-2525.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to September 28, 2007**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
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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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/863,742	09/28/2007	Jung-Wook PAEK	PNK-0449	2236

7590 05/14/2009
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
KIM, RICHARD H

ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
05/14/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 05/13/2009 NFARMER
10/01/2007 INTEFSW 00002992 061130 11863742
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

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KLEIN, O'NEILL & SINGH, LLP
43 CORPORATE PARK
SUITE 204
IRVINE CA 92606

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AUG 0 8 2008

In re Application of	:	
CONLEY, Kevin M. et al.	:	
Application No. 11/863,790	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHDRAW
Attorney Docket No. **SDA-1225-US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 27, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Klein, O'Neill & Singh, LLP has been revoked by the assignee of the patent application on June 30, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SANDISK CORPORATION**
JENKINS, WILSON, TAYLOR & HUNT, P.A.
SUITE 1200 UNIVERSITY TOWER
3100 TOWER BOULEVARD
DURHAM, NC 27707

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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.
11/863,801	09/28/2007	Michael J. Neering	10060350-01	2338

7590 12/11/2009
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER
LOTTICH, JOSHUA P

ART UNIT	PAPER NUMBER
2113	

NOTIFICATION DATE	DELIVERY MODE
12/11/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 12/10/2009 NFARMER
10/17/2007 HNGUYEN 00000009 501078 11863801
02 FC:1111 500.00 CR
04 FC:1201 200.00 CR
05 FC:1202 250.00 CR

FORM PET651G (Rev. 08/07)

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PATENT MANAGEMENT GROUP
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SUITE 500
ARLINGTON, VA 22201-2909

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NOV 1 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Adrian E. Conway	:	
Application No. 11/863,835	:	DECISION ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. 20070349	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 12, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed October 22, 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 December 23, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The petition does not satisfy item (1) in that the drawings filed concurrently with the petition are not in compliance with 37 CFR 1.121(d) that requires sheets having amended drawings to be labeled "Replacement Sheet".

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Michael B. Stewart
RADER, FISHMAN & GRAUER PLLC
39533 Woodward Avenue
Suite 140
Bloomfield Hills, MI 48304

PTO/SB/64 (08-08)
Approved for use through 09/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it 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) 20070349

First named inventor: Adrian E. Conway

Application No: 11/863,835-Conf. #2406 Art Unit: 3622

Filed: September 28, 2007 Examiner: Not Yet Assigned

Title: DATA METERING

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity – fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity – fee $ 1,540.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to File Corrected Application Papers (identify type of reply):

☐ has been filed previously on _____ .

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____ .

☐ has been paid previously on _____ .

☐ is enclosed herewith.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

[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.

/Michael B. Stewart/	September 12, 2008
Signature	Date
Michael B. Stewart	36,018
Typed or printed name	Registration Number, if applicable
RADER, FISHMAN & GRAUER PLLC 39533 Woodward Avenue Suite 140 Bloomfield Hills, Michigan 48304	(248) 594-0633
Address	Telephone Number

Enclosures:
- [X] Fee Payment
- [X] Reply
- [ ] Terminal Disclaimer Form
- [ ] Additional sheets containing statements establishing unintentional delay
- [ ] Other: _____

Petition to Revive Application Unintentionally Abandoned

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: September 12, 2008 Electronic Signature for Michael B. Stewart: /Michael B. Stewart/

Attorney / Agent / Customer Number Search Results

Registration # 36018 Attorney's Applications
STEWART,MICHAEL,
Rader Fishman and Grauer PLLC
39533 Woodward Ave Ste 140
Bloomfield Hills, MI 48304

Registration Status : **ACTIVE** Attorney Type : **Attorney**

Customer Number	Customer Telephone Number	Customer Address
10291 Customer's Applications	248-594-0600	RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS, MI 48304-0610
23353 Customer's Applications	202-955-3750	RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036
29548 Customer's Applications	419-897-7500	DANA CORPORATION 660 BEAVER CREEK CIRCLE MAUMEE, OH 43537
37526 Customer's Applications	801-572-0185	RADER, FISHMAN & GRAUER PLLC 10653 SOUTH RIVER FRONT PARKWAY SUITE 150 SOUTH JORDAN, UT 84095

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Registration# [ ] Search **Customer#** [ ] Search

Attorney's/Agent's Last Name [ ] **First Name** [ ]

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Correspondence Address for 11/863835

Customer Number	Contact Information	Address
25537 Delivery Mode: Electronic	Telephone: (703)351-3579 Fax: No Fax # E-Mail: patents@verizon.com	VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD SUITE 500 ARLINGTON VA 22201-2909

Appln Info | Contents | Petition Info | Atty/Agent Info | Continuity/Reexam | Foreign D

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ARLINGTON, VA 22201-2909

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JAN 22 2009

In re Application of	:	
Adrian E. Conway	:	
Application No. 11/863,835	:	DECISION ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. 20070349	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 12, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed October 22, 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 December 23, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178

(October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Patent Application Processing.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: Michael B. Stewart
RADER, FISHMAN & GRAUER PLLC
39533 Woodward Avenue
Suite 140
Bloomfield Hills, MI 48304

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

ABB INC.
LEGAL DEPARTMENT-4U6
29801 EUCLID AVENUE
WICKLIFFE, OH 44092

Mail Date: 04/21/2010

Applicant	: Robert G. Hamel	: DECISION ON REQUEST FOR
Patent Number	: 7662262	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/863,897	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/28/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **186** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

PEQUIGNOT + MYERS LLC
INTELLECTUAL PROPERTY COUNSELORS

San Diego
New York
Pennsylvania

FACSIMILE TRANSMITTAL SHEET

TO:	**Examiner Eric Bolda** **U.S. Patent and Trademark Office**
FAX NO.:	**571-273-8104**
FROM:	**Matthew A. Pequignot**
DATE:	**December 9, 2009**
RE:	**Serial No. 11/863,905** **In Re Patent Appln. of: Bolshtyansky et al** **Our Reference No. : 10-616 US**
Number of Pages:	**2 (including cover sheet)**

MESSAGE:

Transmitted herewith is a proposed Examiner's Amendment of Claim 9 per our discussion. If you have any questions, please do not hesitate to contact me.

Thank you.

Matt Pequignot
Ph: 202-328-1200

If there are any problems with this transmission, please contact 202-328-1200.

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9. (proposed amendment) A method for compensating for Raman tilt in an optical signal, defined by a center wavelength, transmitted in an optical fiber link, which includes an optical amplifier, comprising the steps of:

a) tapping off a portion of the optical signal;

b) determining a measure of optical power of the optical signal, from the tapped off portion;

c) determining the Raman tilt from the measure of optical power; and

d) adjusting gain provided by the optical amplifier to compensate for the Raman tilt;

wherein the optical amplifier includes ~~first and second controlled amplifier stages~~ first and second erbium doped fiber amplifier stages, a third Raman amplifier stage, and first and second variable optical attenuators;

~~wherein step d) includes adjusting gain in at least one of the first and second controlled amplifier stages, and adjusting attenuation in at least one of the first and second variable optical attenuators;~~

~~wherein the optical amplifier further comprises a Raman amplifier stage;~~

~~wherein the first and second controlled amplifier stages comprise first and second erbium doped fiber amplifiers, respectively;~~ and

wherein step d) includes adjusting gain of at least one amplifier stage selected from ~~of~~ the Raman amplifier stage and the first and second erbium doped fiber amplifiers stages, and adjusting attenuation in at least one of the first and second variable optical attenuators.

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ROBERT M BAUER, ESQ.
MACDONALD ILLIG JONES & BRITTON LLP
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NOV 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
TYRRELL, Sebastian et al.	:	
Application No. 11/863,907	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHDRAW
Attorney Docket No. **NOKIA.80US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 28, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **FOLEY & LARDNER LLP**
11250 EL CAMINO REAL
SUITE 200
SAN DIEGO, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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DEC 22 2008

In re Application of :
Shinya Masuda :
Application No. 11/863,959 : DECISION ON PETITION
Filed: September 28, 2007 :
Atty Docket No. P/3541-155 :
:
:
:
In re Application of :
Shinya Masuda :
Application No. 12/316,658 :
Filed: December 28, 2007 :
Title: Surgical Operating :
Apparatus :

This is a decision on the PETITION UNDER 37 C.F.R. § 1.182 TO CORRECT FILING DATE filed October 31, 2008, which is being treated as a request that the application papers filed December 28, 2007 with 37 sheets of drawings be treated as a new application and accorded a filing date of December 28, 2007.

The petition is **granted**.

The application was filed on September 28, 2007. The original disclosure consisted of 35 pages of a non-English specification, including one page of abstract, and 23 sheets of drawings. On December 28, 2007, applicants filed the certified English translation of the specification, consisting of 78 pages, including one page of abstract, and 37 sheets of drawings.

The present petition was filed on October 31, 2008, requesting that the application be reprocessed with a filing date of

December 28, 2007, using the 37 sheets of drawings supplied on December 28, 2007 instead of the 23 sheets of drawings supplied on September 28, 2007. Petitioner states that the application as filed in the Japanese language referred to 74 figures on 37 pages including Figs. 1-6, 7A-7B, 8A-8B, 9-40, 41A-41B and 42-71. However, in the process of filing the application, an incorrect drawing set was inadvertently filed in place of the intended drawings. Petitioner states that the drawings filed on September 28 pertain to distinguishable subject matter from the specification and include only 26 figures on 23 sheets. Petitioner requests that the application be accorded a later filing date with the correct drawings.

The '959 application as deposited on September 28, 2007 included a specification, claims and drawings, and thus, pursuant to 35 U.S.C. 111(a) was properly accorded a filing date of September 28, 2007. No new matter may be introduced into an application after its filing date. The drawings filed December 28, 2007 constitute new matter. Accordingly, correction of applicant's filing error will not be by way of amending the application as filed September 28, 2007 to introduce the drawings filed December 28, 2007.

Nonetheless, the papers filed on December 28, 2007, include a specification, claims and drawings, and thus pursuant to 35 U.S.C. 111(a) can properly be accorded a filing date of December 28, 2007. As such, correction of applicant's filing error may be by way of treating the papers filed on December 28, 2007 as a new application. The application filed on December 28, 2007 has been assigned application No. 12/316,658. The papers filed December 28, 2007, including the specification, claims, abstract and drawings, and the petition filed October 31, 2008 have been removed from the file of application No. 11/863,959, and have been placed in application No. 12/316,658. No fees paid in application No. 11/863,959 will be applied in application No. 12/316,658. A copy of the present petition will be retained in application No. 11/863,959 to complete the record therein. All future correspondence concerning the application filed December 28, 2007, should be directed to application No. 12/316,658, <u>not application No. 11/863,959</u>.

Petitioner is reminded that a new oath or declaration in compliance with 37 CFR 1.63 and 1.64 covering the newly submitted items is required in application No. 12/316,658. The declaration filed December 28, 2007 is directed to the

application as filed on September 28, 2007. Further, any papers filed in application No. 11/863,959 other than those placed in application No. 12/316,658 by way of this decision, such as Information Disclosure Statements, need to be re-filed in application No. 12/316,658, for consideration in the '658 application.

Receipt of the $400 petition fee required for consideration of this petition is acknowledged.

Application No. 11/863,959 is being returned to the Office of Patent Application Processing to await any further action by applicants. Petitioner is reminded that the search and examination fees have been paid in this application. Further, this application has been scheduled for publication. Petitioner's attention is directed to 37 CFR 1.138(c) and 37 CFR 1.138(d) respectively regarding express abandonment to avoid publication of the application and express abandonment to request refund (before an examination has been made of the application) of the search fee and excess claims fee paid in this application.

Application No. 12/316,658 is being forwarded to the Office of Patent Application Processing for processing with a filing date of December 28, 2007, using the papers received on that date including 37 sheets of drawings, and for mailing of a filing receipt.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
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P.O. Box 1450
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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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MAY 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Shinya Masuda	:	
Application No. 11/863,959	:	DECISION ON REQUEST FOR REFUND
Filed: September 28, 2007	:	
Attorney Docket No. P/3541-155	:	

This is a decision on the Request For Refund filed April 29, 2009.

The request is **DISMISSED**.

Petitioner request a refund of the filing fees for the above application because the application was inadvertently filed with an incorrect set of drawings. The correct drawings were submitted together with a Response to Notice to File Missing Parts of Nonprovisional Application on December 28, 2007. A petition under 37 C.F.R. § 1.182 to correct the filing date was filed on October 31, 2008, which was treated as a request that the application papers filed December 28, 2007 with 37 sheets of drawings be treated as a new application and accorded a filing date of December 28, 2007. The petition was granted on December 19, 2008.

The below was noted in the decision of December 19, 2008:

"Petitioner's attention is directed to 37 CFR 1.138(c) and 37 CFR 1.138(d) respectively regarding express abandonment to avoid publication of the application and express abandonment to request refund (before an examination has been made of the application) of the search fee and excess claims fee paid in this application."

The Office is not in receipt of an express abandonment under 37 CFR 1.138(c) or 37 CFR 1.138(d). Since the above application published on April 2, 2009, 37 CFR 1.138(c) no longer apply. However, express abandonment under 37 CFR 1.138(d) (before an examination has been made of the application) of the search fee and excess claims fee paid in the above application still applies.

In view of the above, the request for refund is dismissed at this time.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/863,984	09/28/2007	Ji-Young OH	YPL-0484	2666

23413 7590 01/26/2010
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
CALAMITA, HEATHER

ART UNIT	PAPER NUMBER
1637	

NOTIFICATION DATE	DELIVERY MODE
01/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAN 2 6 2010

Sandra L. Shaner
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of	:
OH et al	:Decision on Petition
Serial No: 11/863,984	:
Filed: 28 September 2007	:
Attorney Docket No.: YPL0484US	:

This letter is in response to the Petition under 37 CFR 1.144 and 1.181 filed on 5 November 2009 to reconsideration of the restriction requirement.

BACKGROUND

This application was filed under 35 USC 111(a) and as such, is eligible for US restriction practice set forth in Chapter 800 of the MPEP.

On 22 July 2009, the examiner divided the original 5 claims into two groups as follows:

> Group I, claims 1 and 2, drawn to a primer pair, classified in class 536, subclass 24.33.
> Group II, claims 3-5, drawn to a microarray, classified in class 435, subclass 6.

The examiner then required and election of a single primer pair or Group I or a set of eight sequences for Group II.

On 3 August 2009, applicants elected Group I, claims 1-2 and SEQ ID Nos 1 and 2 with traverse.

On 20 August 2009, the examiner considered the traversal and made the restriction requirement FINAL. Claims 3-5 were withdrawn from examination as being directed to non-elected subject matter. Claims 1 and 2 were rejected under 35 USC 103 as being obvious over Gill in view of Lowe.

On 5 November 2009, applicant filed a response to the Office action along with this petition.

DISCUSSION

This petition and file history have been considered carefully.

Because applicants arguments are directed to the requirement to elect a single pair or sequences amongst those recited in the claims of elected Group I, the restriction required between Group I and Group II is not under consideration in this decision.

The petition requests that the restriction of the elected Group I (claims 1-2) to a single elected primer pair (SEQ ID Nos 1-2) be withdrawn and examiner claims 1-2 for the complete set of all 21 primer sequences.

In the restriction requirement, the examiner appears to have been under the impression that Claim 1 is a Markush claim which recites the sequences in the alternative. This is incorrect. MPEP 2173.05(h) provides the following guidance on Alternative Limitations

I. MARKUSH GROUPS

> Alternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity of the claims. One acceptable form of alternative expression, which is commonly referred to as a Markush group, recites members as being "selected from the group consisting of A, B and C." See Ex parte Markush, 1925 C.D. 126 (Comm'r Pat. 1925).

II "OR" TERMINOLOGY

> Alternative expressions using "or" are acceptable, such as "wherein R is A, B, C, or D."

Claim 1 is not considered an alternative claim or a Markush claim because it does not use the phrase "selected from the group consisting of" or the disjunctive "or" in association with the sequence pairs. Instead, Claim 1 set forth a list of sequences, all of which are required. This is consistent with Claim 1 being characterized as a combination claim, defined in MPEP 806.05(a) as:

> A combination is an organization of which a subcombination or element is a part.

In this instance, the subcombinations of individual primer pairs are not claimed separately.

Further, the examiner has incorrectly characterized Claim 1 as being directed to *an oligonucleotide primer pair*. This is inconsistent with the following guidance in MPEP 806.01, which requires the examiner to compare the claimed subject matter:

> In passing upon questions of double patenting and restriction, it is the claimed subject matter that is considered and such claimed subject matter must be compared in order to determine the question of distinctness or independence.

Identifying Group 1 as being directed to "primer pair" is inconsistent with the requirements of MPEP 814:

> The examiner must provide a clear and detailed record of the restriction requirement to provide a clear demarcation between restricted inventions so that it can be determined whether inventions claimed in a continuing application are consonant with the restriction requirement and therefore subject to the prohibition against double patenting rejections under 35 U.S.C. 121. Geneva Pharms. Inc. v. GlaxoSmithKline PLC, 349 F.3d 1373, 1381, 68 USPQ2d 1865, 1871 (Fed. Cir. 2003). See also MPEP § 804.01.

As shown in the relevant portions below, original claim 1, which has yet to be amended, is drawn to a primer set that clearly requires all of SEQ ID Nos 1-38 and 49-51.

> 1. An oligonucleotide primer set comprising:
>
> ....
>
> an oligonucleotide set comprising an oligonucleotide consisting of SEQ ID NO: 49 and an oligonucleotide consisting of SEQ ID NO: 50; and
>
> an oligonucleotide set comprising an oligonucleotide consisting of SEQ ID NO: 51 and an oligonucleotide consisting of SEQ ID NO: 52;
>
> ...

Moreover, dependent claim 2 clearly requires all of SEQ ID Nos 1-38 and 49-51 (from claim 1) in addition to SEQ ID Nos 39-48. Claims 1 and 2 are closest in format to Example (B) from MPEP 803.04:

> Examples of typical nucleotide sequence claims impacted by the partial waiver of 37 CFR 1.141 et seq. (and the partial waiver of 37 CFR 1.475 and 1.499 et seq., see MPEP § 1850) include:
>
> (A) an isolated and purified DNA fragment comprising DNA having at least 95% identity to a DNA sequence selected from SEQ ID Nos. 1-1,000;
>
> (B) a combination of DNA fragments comprising SEQ ID Nos. 1-1,000; and
>
> (C) a combination of DNA fragments, said combination containing at least thirty different DNA fragments selected from SEQ ID Nos. 1-1,000.

MPEP 803.04 specifically states that applications claiming only a combination of nucleotide sequences, such as set forth in example (B), will generally not be subject to a restriction requirement.

Moreover, MPEP 803.04 goes on to provide the following guidance as to how Claims 1 and 2 should have been examined:

The combination will be searched until one nucleotide sequence is found to be allowable. The order of searching will be chosen by the examiner to maximize the identification of an allowable sequence. If no individual sequence is found to be allowable, the examiner will consider whether the combination of sequences taken as a whole renders the claim allowable.

Finally, it is noted that the Office action mailed 20 August 2009 is incomplete for having rejected Claim 1 on the basis of SEQ ID NOs 1 and 2 alone and for rejecting claim 2 without addressing the additional sequences required by claim 2.

DECISION

For these reasons, the petition is **GRANTED.**

The requirement to elect a single pair of sequences amongst those recited in Claim 1 is hereby withdrawn.

The non-final Office action mailed 20 August 2009 is withdrawn as incomplete.

The application will be forwarded to the examiner for consideration of the papers filed 5 November 2009 and preparation of a non-final Office action consistent with this decision which follows the examination guidance for combination claims set forth in MPEP 803.04.

There is no fee for this petition.

Should there be any questions regarding this decision, please Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.

George C. Elliott

George Elliott
Director, Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/863,995	09/28/2007	Seung Je Lee	8139L-17 (PO 060141)	2691

7590 04/22/2009
F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY, NY 11797

EXAMINER
VO, HAI

ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
04/22/2009	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

Refund Ref:
04/22/2009 0030069165

Credit Card Refund Total: $500.00

VISA....: XXXXXXXXXXXX2916

Adjustment date: 04/22/2009 NFARMER
10/01/2007 INTEFSW 00004539 11863995
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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JUN 22 2009

OFFICE OF PETITIONS

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474 M/S 3999
DALLAS TX 75265

In re Application of	:	
Muhammad, et al.	:	
Application No. 11/863,999	:	ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. TI-62382	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 13, 2009.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the non-final Office action mailed October 22, 2008. This Office action set an extendable period for reply of three (3) months. No reply having been received, the application became abandoned on January 23, 2009. A Notice of Abandonment was mailed on May 1, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 2819 for consideration of the Amendment filed May 13, 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

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

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FEB 23 2009

OFFICE OF PETITIONS

In re Application of	:
Ernest Ogden	: DECISION REFUSING STATUS
Application Number: 11/864007	: UNDER 37 CFR 1.47(b)
Filing Date: 09/28/2007	:
Attorney Docket Number:	:
66965.000005	:

This is in response to the petition under 37 CFR 1.47(b) filed on July 21, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

On September 28, 2007, the above-identified application was filed without an executed oath or declaration. Accordingly, on December 20, 2007, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration. The statutory basic filing fee, a substitute specification, the surcharge for their late filing, the application search fee, and application examination fee were also required.

On July 21, 2007, a five month extension of time was filed, along with the basic filing fee, search fee, examination fee, late filing surcharge, and authorization to charge the petition fee.

The present petition was also filed, along with a declaration naming Ernest Ogden as the sole inventor, signed on behalf of non-signing inventor Ogden by John K. McKenzie.

Petitioners assert that a copy of the application and declaration was sent to non-signing inventor Ogden on two occasions. A copy of the cover letters transmitting the application papers to Ogden on February 13, 2008 and March 21, 2008, are enclosed. Petitioners assert that Ogden's attorney then wrote back to petitioner's counsel, stating that Ogden would not sign the declaration unless petitioners agreed to certain conditions set forth in Ogden's counsel's letter, (i.e., petitioner's counsel would act on instructions given by Ogden's firm).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks items (2) and (5).

In regards to item (2), an oath or declaration in compliance with 37 CFR 1.63, signed on behalf of the non-signing inventor by an officer of the corporation, must be supplied. The declaration must include the name, citizenship, residence, and mailing address of the non-signing inventor. If the inventor refuses to sign the declaration, the declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer, or chief executive officer) on behalf of and as agent for the non-signing inventor. The officer must identify his or her title in the declaration. If the declaration is not signed by an officer of the corporation, then proof of the authority of the person signing on behalf of the corporation must be submitted (See MPEP 409.03(b)).

The declaration submitted with the petition does not contain any identification that it has been signed by another person on behalf of the non-signing inventor. In addition to the identification of the person signing on behalf of the non-signing

inventor, the declaration must state the title of the person signing on behalf of the Rule 47 applicant.

An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. Staeger v. Commissioner, 189 USPQ 272 (D.D.C. 1976), In re Striker, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

In regards to item (5), petitioner must provide proof that the Rule 1.47(b) applicant has sufficient proprietary interest in the subject matter to justify filing of the application.[1]

Petitioner may provide a copy of the employment agreement between the non-signing inventor and the Rule 1.47(b) applicant (company); a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 1.47(b) applicant; or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 1.47(b) applicant.

While petitioner has provided a copy of a decision and an order from the UK intellectual property law office with regard to the ownership of prior filed UK and PCT applications, petitioner has not clearly demonstrated that Rule 47 applicant has a proprietary interest in the subject nonprovisional application.

In this regard, MPEP 409.03(f) states that a proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and

[1] MPEP 409.03(f).

signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

It is noted that petitioners submitted $130.00 towards the petition fee. The fee for a petition under 37 CFR 1.47 is $200.00, however. Accordingly, the remaining balance of $70.00 will be charged to counsel's deposit account as authorized in the subject petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22134

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

D I Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

In re Application of	:
Ernest Ogden	: DECISION REFUSING STATUS
Application Number: 11/864007	: UNDER 37 CFR 1.47(b)
Filing Date: 09/28/2007	:
Attorney Docket Number:	:
66965.000005	:

This is in response to the papers filed on March 12, 2009, which are treated as a renewed petition under 37 CFR 1.47(b).

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest, and
(6) proof of irreparable damage.

The petition lacks item (5).

In regards to item (5), petitioner must provide proof that the Rule 1.47(b) applicant has sufficient proprietary interest in the subject matter to justify filing of the application.[1]

While it is noted that a paper entitled "Supplemental Memorandum of Law Under 37 C.F.R. § 1.47(b), 35 U.S.C. § 118, and M.P.E.P. § 409.03," was filed on March 12, 2009, that paper is unsigned. Any papers filed in the USPTO must be signed in accordance with MPEP 37 CFR 1.33(b).

The address in the petition is different than the correspondence address. A courtesy copy of this decision will be mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22134

[1] MPEP 409.03(f).

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

Cc:

JOHN MCKENZIE
8 NORMA ROAD
WATERLOO
LIVERPOOL
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UNITED KINGDOM

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JOHN MCKENZIE (PROJECTILE LTD)
8 NORMA ROAD
WATERLOO, LIVERPOOL L22 0NS
UNITED KINGDOM

COPY MAILED

JUL 0 1 2009

OFFICE OF PETITIONS

In re Application of	:
Ernest Ogden	: DECISION REFUSING STATUS
Application Number: 11/864007	: UNDER 37 CFR 1.47(b)
Filing Date: 09/28/2007	:
Attorney Docket Number:	:
66965.000005	:

This is in response to the paper filed on May 18, 2009, which is treated as a twice renewed petition under 37 CFR 1.47(b).

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

On September 28, 2007, the above-identified application was filed without an executed oath or declaration. Accordingly, on December 20, 2007, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration. The statutory basic filing fee, a substitute specification, the surcharge for their late filing, the application search fee, and application examination fee were also required.

On July 21, 2008, a five month extension of time was filed, along with the basic filing fee, search fee, examination fee, late filing surcharge, and authorization to charge the petition fee. A petition was also filed, along with a declaration naming Ernest Ogden as the sole inventor, signed on behalf of non-signing

inventor Ogden by John K. McKenzie. The petition was dismissed on February 23, 2009. The renewed petition filed on March 12, 2009 was dismissed on April 22, 2009.

On June 1, 2009, the subject renewed petition was filed.

Petitioner John McKenzie asserts, in pertinent part, that he has been unable to obtain the signature of the non-signing inventor, and that his attorneys withdraw from representation without notice to him.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks item (5).

In regards to item (5), petitioner must provide proof that the Rule 1.47(b) applicant has sufficient proprietary interest in the subject matter to justify filing of the application.[1]

While it is noted that a paper entitled "Supplemental Memorandum of Law Under 37 C.F.R. § 1.47(b), 35 U.S.C. § 118, and M.P.E.P. § 409.03," was filed on March 12, 2009, that paper is unsigned. This was noted in the decision mailed on April 22, 2009. Any papers filed in the USPTO must be signed in accordance with MPEP 37 CFR 1.33(b). Any renewed petition **must** be accompanied by proof of sufficient proprietary interest on behalf of Rule 1.47(b) applicant.

Further, petitioner is reminded that the Patent and Trademark Office is not the proper forum for resolving a dispute between petitioner and petitioner's representative. Ray v. Lehman, 55 F.3d 606, 608-09, 34 USPQ2d 1786, 1787 (Fed. Cir. 1995).

---

[1] MPEP 409.03(f).

Lastly, it is noted that the Application Data Sheet filed on November 21, 2008 lists both John McKenzie and Ernest Ogden as assignees. 37 CFR 3.71(b) states

> Patents — assignee(s) who can prosecute. The assignee(s) who may conduct either the prosecution of a national application for patent or a reexamination proceeding are:
>
> > (1) A single assignee. An assignee of the entire right, title and interest in the application or patent being reexamined who is of record, or
> >
> > (2) Partial assignee(s) together or with inventor(s). All partial assignees, or all partial assignees and inventors who have not assigned their right, title and interest in the application or patent being reexamined, who together own the entire right, title and interest in the application or patent being reexamined. A partial assignee is any assignee of record having less than the entire right, title and interest in the application or patent being reexamined.

As such, a question is raised as to whether petitioner John McKenzie is a partial assignee.

MPEP 324 states that where at least one inventor retains an ownership interest together with the partial assignee(s), the combination of all partial assignees and inventors retaining ownership interest is needed to conduct the prosecution of an application, unless one or more inventors have refused to join in the filing of the application and a petition under 37 CFR 1.47 has been granted. If a petition under 37 CFR 1.47 has been granted, then the assignee need only be the assignee of the entire interest of the 37 CFR 1.47 applicant to sign a power of attorney. See 37 CFR 1.32(b)(4). **Where an applicant retains an ownership interest, the combination of all partial assignees and the applicant with the ownership interest is needed to conduct the prosecution of an application.**

(emphasis added)

Petitioner must explain whether he is a partial or sole assignee in any renewed petition. Any renewed petition must be properly signed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22134

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
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MAY 27 2010

OFFICE OF PETITIONS

JOHN MCKENZIE (PROJECTILE LTD)
8 NORMA ROAD
WATERLOO, LIVERPOOL L22 0NS
UNITED KINGDOM

In re Application of	:
Ernest Ogden	: DECISION REFUSING STATUS
Application Number: 11/864007	: UNDER 37 CFR 1.47(b)
Filing Date: 09/28/2007	:
Attorney Docket Number:	:
66965.000005	:

This is in response to the paper filed on July 27, 2009, which is treated as a thrice renewed petition under 37 CFR 1.47(b).

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks item (5).

In regards to item (5), petitioner must provide proof that the Rule 1.47(b) applicant has sufficient proprietary interest in the subject matter to justify filing of the application.[1]

The Office has requested, in the decision mailed on July 1, 2009, proof of ownership of the entire, right, title an interest in the application in order for Mr. McKenzie to be able to prosecute this application. If it is Mr. McKenzie's position that the document dated June 7, 2007, signed by Deputy Director David Barford of the UK Intellectual Property Office is his proof of authority to act it is suggested that Mr. McKenzie specifically point out the portions of this document that give him such authority.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22134

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

[1] MPEP 409.03(f).

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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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NEEDHAM J. BODDIE, II
MYERS BIGEL SIBLEY & SAJOVEC
POST OFFICE BOX 37428
RALEIGH, NC 27627

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APR 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
BRADER-ARAJE, Michael et al.	:	
Application No. 11/864,068	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHDRAW
Attorney Docket No. **9144-5DV**	:	FROM RECORD
	:	

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 01 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Campbell Stephenson LLP has been revoked by the assignee of the patent application on April 24, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **CAMPBELL STEPHENSON LLP 1**
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN, TX 78758

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

Cooley, Goddward, Kronish, LLP
Attn: Patent Group
Suite 1100
777 – 6th Street, NW
Washington, DC 20001

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JAN 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Honnappa Nagarahalli	:	
Application No. 11/864,069	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHDRAW
Attorney Docket No. NEXE-018/00US 306342-2045	:	FROM RECORD
	:	

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 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 Daniel M. Bennett on behalf of all attorneys/agents associated with customer number 22903. All attorneys/agents associated with customer number 22903 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence has been changed to that of the inventor at the address noted in the oath and declaration. The new address is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Honnappa Nagarahalli
13 Observation Court, Apt. 304
Germantown, MD 20876

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
11/864,069	09/28/2007	Honnappa Nagarahalli	NEXE-018/00US 306342-2045

CONFIRMATION NO. 2821

POWER OF ATTORNEY NOTICE

OC000000034102635

58249
COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

Date Mailed: 01/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/17/2008.

- 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.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 03 2010

OFFICE OF PETITIONS

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

In re Application of	:	
Teruo Higa et al.	:	
Application No. 11/864,104	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHDRAW
Attorney Docket No. 077834.0106	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 5, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

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JUN 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Vogel et al.	:	DECISION ON PETITION
Application No. 11/864,118	:	TO WITHDRAW
Filed: September 28, 2007	:	FROM RECORD
Attorney Docket: PMX-010.01	:	

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 27, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Foley Hoag, LLP was revoked as power of attorney by the assignee of the patent application on May 21, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

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 inquires concerning this decision should be directed to the undersigned at 571-272- 6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 1100
777 – 6TH STREET, NW
WASHINGTON, DC 20001

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Aman Gulati, et al.	:	
Application No. 11/864,206	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHDRAW
Attorney Docket No. NEXE-019/00US	:	FROM RECORD
	:	

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 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 Daniel M. Bennett on behalf of all attorneys of record who are associated with customer No. 58249. All attorneys/agents associated with the Customer Number 58249 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 Aman Gulati at the address indicated below.

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.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: AMAN GULATI
2264 PIMMIT RUN LANE
APT. 201
FALLS CHURCH, VA 22043

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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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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AUG 19 2008

In re Application of	:	
Sekhri et al.	:	
Application No. 11/864,242	:	ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. 09623R-070900US	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath/Declaration, an Application Data Sheet (ADS), Replacement Drawings and the late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

Although petitioner did not submit the late surcharge with the instant petition, authorization was previously given to charge any additional fees that may be required. Accordingly, the $130.00 late surcharge will be charged to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Peter N. Jansson, Esq. (For Petitioner)
Jansson, Shupe & Munger, Ltd
245 Main Street
Racine, WI 53403

COPY MAILED
JAN 16 2009

Courtesy Copy provided to:
Steven R. Walczak (Co-inventor)
11407 W. Janesville Road
Hales Corners, WI 53130

In re Application of		
Rudd, Walczak and Wilcox	:	
Appl. No.: 11/864,298	:	DECISION
Filing Date: September 28, 2007	:	ON
Title: AERODYNAMIC LED FLOODLIGHT FIXTURE	:	ACCESS
Attorney Docket No.: RU-197US	:	

This is in response to the June 5, 2008 paper entitled "REQUEST UNDER 37 CFR 1.181 (MPEP 106) TO PREVENT STEVE R. WALCZAK FROM OBTAINING ACCESS TO THE FILE."

The petition is before the Office of Patent Legal Administration for decision.

The petition is **GRANTED.**

FACTS

On June 5, 2008 petitioner filed a request to prevent a co-inventor from obtaining access to the 11/864,298 application (the '298 application) under 37 CFR 1.181 (MPEP 106), concurrently with a Statement under 37 CFR 3.73(b) establishing that Ruud Lighting, Inc. retains the entire right, title and interest as assignee of the '298 application.[1]

DECISION

MPEP § 106 states:

> The assignee of record of the entire interest in an application may intervene in the prosecution of the application, appointing an attorney or agent of his or her own choice. See 37 CFR 3.71. Such intervention, however, does not exclude the applicant from access to the application to see that it is being prosecuted properly, unless the assignee makes

[1] The authority of signatory of the Statement under 37 CFR 3.73(b) to act on behalf of assignee is based upon the policy of MPEP 324 (V)(B) and is not based upon his title/status as "Attorney of Record." See MPEP 324 (V)(A).

> specific request to that effect. Any request to prevent the inventor from obtaining access to the file should be filed as a separate paper, 37 CFR 1.4(c), and should be directed to the Office of Petitions. If the request is granted, the inventor will be informed that he or she will only be permitted to inspect the application on sufficient showing why such inspection is necessary to conserve his or her rights, *In re The Kellogg Switchboard & Supply Company,* 1906 C.D. 274 (Comm'r Pat. 1906). *Of course, after the application has published pursuant to 35 U.S.C. 122(b), the application will be available to the public and any restriction on the inventor to access his or her application previously granted will no longer be in effect.*

This decision is in response to the petition filed on June 5, 2008 by Mr. Peter N. Jansson for Ruud Lighting Inc., the assignee of record, requesting that the inventor, Steven R. Walczak be excluded from access to the application.

In accordance with Manual of Patent Examining Procedure, Section 106, access will be controlled and the inventor, Steven R. Walczak, will be permitted to inspect the application papers only "on sufficient showing why such inspection is necessary to conserve his rights." *In re Kellogg Switchboard & Supply Company*, 1906 C.D. 274.

However, once the '298 application has published pursuant to 35 U.S.C. 122(b), it will be available to the public and the restrictions on the inventor to access the '298 application will no longer be in effect.

CONCLUSION

1. The petition is **GRANTED.**

2. Any further communication as to the merits of the case should be directed to the examiner of record.

3. Inquiries relating to this matter may be directed to Joseph F. Weiss, Jr. at (571) 272-7759.

HIRAM H. BERNSTEIN
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/864,306	09/28/2007	Motoyoshi Kawai	J-07-0007	3270

7590 08/08/2008
NEC CORPORATION OF AMERICA
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER
LE, QUE TAN

ART UNIT	PAPER NUMBER
2878	

MAIL DATE	DELIVERY MODE
08/08/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Refund Ref:
08/11/2008 BPOWELL 0000163923

CHECK Refund Total: $500.00

Adjustment date: 08/11/2008 BPOWELL
10/01/2007 INTEFSW 00006014 11864306
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/864,321	09/28/2007	Sung-Hwan HONG	P2059US00	3294

7590 05/01/2009
H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

EXAMINER
KIM, RICHARD H

ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
05/01/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
05/01/2009 0030069549

Credit Card Refund Total: $1000.00

An Exp..: XXXXXXXXXXX2002

Adjustment date: 05/01/2009 NFARMER
10/01/2007 INTEFSW 00006066 11864321
02 FC:1111 -500.00 OP
04 FC:1202 -100.00 OP
05 FC:1201 -400.00 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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Alexandria, VA 22313-1450
www.uspto.gov

IPSOLON LLP
111 SW COLUMBIA
SUITE 710
PORTLAND OR 97201

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JUN 1 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Prstojevich, Michael	:	
Application No. 11/864,438	:	DECISION ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. 1381-014/MMM	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Replacement Drawings, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

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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.
11/864,444	09/28/2007	Jong-Ho LEE	0202-0026	3504

7590 06/22/2009

Jefferson IP Law, LLP
1730 M Street, NW
Suite 807
Washington, DC 20036

EXAMINER
GHAYOUR, MOHAMMAD H

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
06/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
06/24/2009 0030071565

Credit Card Refund Total: $1130.00

Am Exp..: XXXXXXXXXXX1004

Adjustment date: 06/24/2009 NFARMER
10/15/2007 INTEFSW 00006769 11864444
02 FC:1111 -510.00 OP
04 FC:1202 -200.00 OP
05 FC:1201 -420.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Feb-08

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FEB 06 2008

OFFICE OF PETITIONS

DILLON & YUELL LLP
8911 NO. CAPITOL OF TEXAS HWY., SUITE 2110
AUSTIN TX 78759

In re Application of	:	
Yang, Prasad, and Melanson	:	
Application Number: 11/864480	:	DECISION ACCORDING STATUS
Filing Date: 09/28/2007	:	UNDER 37 CFR 1.47(a)
Attorney Docket Number:	:	
CIRRUS.1693-CA	:	

This is a decision on the petition under 37 CFR 1.47(a), filed on January 10, 2008.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Hua Yang, has refused to sign and return the declaration. Specifically, petitioners have shown that a copy of the application papers were sent to the last known address of 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 Ammisetti Prasad and John L. Melanson.

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 Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The petition fee of $200.00 will be charged to counsel's deposit account, as authorized in the subject 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.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Feb-08

Hua Yang
7631 Highway 290 W. #633
Austin TX 78736

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FEB 06 2008

OFFICE OF PETITIONS

In re Application of
Yang et al.
Application No. 11/864,480
Filed: September 28, 2007
For: COMPENSATION OF FIELD EFFECT ON POLYCRYSTALLINE RESISTORS

Dear Mr. Yang:

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

DILLON & YUDELL, LLP
8911 N. CAPITAL OFTEXAS HIGHWAY
SUITE 2110
AUSTIN TX 78759

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.
11/864,510	09/28/2007	Toshikazu Morisawa	SUTOSH.176AUS	3612

7590 05/13/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
STOYNOV, STEFAN

ART UNIT	PAPER NUMBER
2116	

NOTIFICATION DATE	DELIVERY MODE
05/13/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

[illegible]
05/13/2010 [illegible]

Credit Card Refund [illegible] $500.00

[illegible]

Adjustment date: 05/13/2010 NFANWEX
10/01/2007 INTERSW 00000799 11864510
02 FC:1111 -500.00 UP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(Kirton & McConkie)
1 Becton Drive, MC 110
Franklin Lakes NJ 07417-1880

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DEC 22 2008
OFFICE OF PETITIONS

In re Application of	:
Christensen, et al.	: DECISION REFUSING STATUS
Application No. 11/864,527	: UNDER 37 CFR 1.47(a)
Filed: September 28, 2007	:
Atty. Dkt. No.: P-7922	:

This decision is in response to the petition under 37 CFR 1.47(a) filed November 25, 2008.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed May 27, 2008. The Notice required a surcharge and an executed oath or declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant application fails to satisfy requirements (1), (2), and (4).

At to item (1), petitioners have failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

Petitioners allege that inventor Powell has refused to execute the declaration after having been presented with the application papers. This refusal is established by the copy of an email from the inventor submitted with the petition.

As to inventor Henderson, petitioners allege that the inventor cannot be reached. Petitioners state that correspondence sent to inventor Henderson by mail has been returned to sender/undeliverable as addressed/unable to forward. Further, petitioners allege that email sent to inventor Henderson has received no response or the response received was from someone other than the inventor sought.

Where inability to reach or locate a non-signing inventor is alleged, petitioners are required to establish that diligent effort was made to locate the non-signing inventor and provide the non-signing inventor with a complete copy of the patent application (specification, including claims, drawings, and oath or declaration). Petitioners have not established that diligent effort has been made to locate the non-signing inventor for presentation of the application papers.

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventor cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. 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. At the very least, a search of the internet, human resource records, telephone directories, etc. should be undertaken in regions where it is suspected the non-signing inventor may reside. Petitioners should reference and supply evidence of any such searches in a renewed petition. For further guidance, petitioners are directed to MPEP 409.03(d).

As to inventor Cindrich, petitioners assert that "we are still investigating whether joint inventor Christopher N. Cindrich

should be listed as an inventor. Accordingly, there is no executed Declaration for Christopher N. Cindrich."

Request for relief under Rule 47 is not appropriate if applicants are not naming Cindrich as an inventor.

Where the first-filed executed oath or declaration was filed on or after December 1, 1997 and sets forth an inventive entity which is different from the inventive entity initially set forth at the time of filing of the application, the actual inventorship of the application will be taken from the executed oath or declaration. *See*, 37 CFR 1.41(a)(1). A request under 37 CFR 1.48(a), (b), or (c) will not be necessary. *See*, 37 CFR 1.48(f).

Inventor Cindrich was not named in the first filed declaration. If inventor Cindrich is deemed by applicants to be an inventor, the newly executed oath or declaration submitted upon renewed petition should so identify said inventor. If inventor Cindrich refuses to sign the declaration or cannot be reached or located, relief under 37 CFR 1.47 may be appropriately pursued. If it is later found that inventor Cindrich is an inventor, relief under 37 CFR 1.48 may be appropriately sought.

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration presented is unacceptable as it has not been properly executed on behalf of the non-signing inventors. The declaration fails identify the entire inventive entity by full name, mailing address, residence, and citizenship as required per 37 CFR 1.63. The declaration is further not acceptable because it contains changes which have not been initialed. *See*, 37 CFR 1.52(c).

Any renewed petition should be accompanied by a **newly executed** oath or declaration signed by all of the available inventors on behalf of themselves and the non-signing inventors wherein the name, address, residence, and citizenship of each inventor is set forth. The signature block of the non-signing inventors should remain unexecuted. *See* MPEP 409.03(b).

As to item (4), the last known address of non-signing inventor Cindrich has not been provided. Further, petitioners acknowledge that the last known address provided for non-signing inventor Henderson is not current.

An application filed pursuant to 37 CFR 1.47 must state the last known address of the non-signing inventor. That address should be the last known address at which the inventor customarily receives mail. Ordinarily, the last known address will be the last known residence of the non-signing inventor. Inasmuch as a non-signing inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the non-signing inventor may be reached should also be given. Each applicant's mailing or post office address is required to be supplied on the oath or declaration, if not stated in an application data sheet. Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address. The mailing address should include the ZIP Code designation. The object of requiring each applicant's mailing address is to enable the Office to communicate directly with the applicant if desired; hence, the address of the attorney with instruction to send communications to applicant in care of the attorney is not sufficient. In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. *See* MPEP §§ 409.03(e) and 605.03.

If research reveals a more accurate address for inventor Henderson, such should be provided upon renewed petition. If inventor Cindrich is named as a joint inventor and relief under Rule 47 is sought for said inventor, petitioners must provide the last known address of inventor Cindrich upon renewed petition.

The address indicated on the petition differs from that contained in the record. If practitioner desires to receive correspondence at an address other than that contained in the record, the appropriate instruction should be submitted. The instant petition decision is being dually mailed. However, all future correspondence concerning this application will be directed to the address contained in the record until such time as instruction to the contrary 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 facsimile: (571) 273-8300

By hand: U.S. U.S. Patent and Trademark Office
Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Craig Metcalf
KIRTON & MCCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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AUG 1 1 2009

OFFICE OF PETITIONS

David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(Kirton & McConkie)
1 Becton Drive, MC 110
Franklin Lakes NJ 07417-1880

In re Application of	:
Christensen, et al.	: DECISION REFUSING STATUS
Application No. 11/864,527	: UNDER 37 CFR 1.47(a)
Filed: September 28, 2007	:
Atty. Dkt. No.: P-7922	:

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed February 6, 2009.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed May 27, 2008. The Notice required a surcharge and an executed oath or declaration. A petition under 37 CFR 1.47 was filed November 25, 2008 and dismissed December 22, 2008.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant application fails to satisfy requirement (2).

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration presented is unacceptable as it contains changes which have not been initialed. *See*, 37 CFR 1.52(c). The non-initialed changes appear at pages 5 and 14 of the declaration submitted February 6, 2009.

Correction is required by way of renewed petition. The corrections may be accomplished by either the submission of a signed Supplemental Application Data Sheet or by way of a **newly**

executed oath or declaration signed by all of the available inventors on behalf of themselves and the non-signing inventor wherein the name, address, residence, and citizenship of each inventor is set forth. The signature block of the non-signing inventor should remain unexecuted. *See* MPEP 409.03(b).

The address indicated on the petition differs from that contained in the record. As previously indicated, however, this communication will be solely directed to the correspondence address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(Kirton & McConkie)
1 Becton Drive, MC 110
Franklin Lakes NJ 07417-1880

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OCT 26 2009

OFFICE OF PETITIONS

In re Application of	:
Christensen, et al.	: DECISION GRANTING STATUS
Application No. 11/864,527	: UNDER 37 CFR 1.47(a)
Filed: September 28, 2007	:
Atty. Dkt. No.: P-7922	:

This decision is in response to the renewed petition under 37 CFR 1.47(a) filed September 15, 2009.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioners have shown that the non-signing inventor either cannot be reached for presentation of the application papers or has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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OCT 26 2009

OFFICE OF PETITIONS

Wade A. Powell
744 Emmett Creek Lane
Lexington, Kentucky 40515

In re Application of
Christensen, et al.
Application No. 11/864,527
Filed: September 28, 2007
Atty. Dkt. No.: P-7922

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(Kirton & McConkie)
1 Becton Drive, MC 110
Franklin Lakes NJ 07417-1880

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Bib Data Sheet

CONFIRMATION NO. 3635

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/864,527	09/28/2007 RULE 1.47	604	3763	P-7922

APPLICANTS

Kelly D. Christensen, Centerville, UT;
Wade A. Powell, Draper, UT;
John Stokes, Ogden, UT;
Austin Jason McKinnon, Herriman, UT;
Dinesh S. Kommireddy, Midvale, UT;
Shaun Staley, Provo, UT;
Richard Leavitt, Provo, UT;
Jesse Austin, Provo, UT;
Shaun Condie, Provo, UT;
Tyler Evans, Provo, UT;
Shawn Funk, Provo, UT;
Scott Henderson, Provo, UT;
Joey Jacobsen, Provo, UT;
Austin Smith, Provo, UT;
Christopher N. Cindrich, Draper, UT;

**** CONTINUING DATA ****************************

This appln claims benefit of 60/828,356 10/05/2006 *
(*)Data provided by applicant is not consistent with PTO records.

**** FOREIGN APPLICATIONS ***********************

IF REQUIRED, FOREIGN FILING LICENSE GRANTED **
05/23/2008

Foreign Priority claimed	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ yes ☐ no 35 USC 119 (a-d) conditions met ☐ yes ☐ no ☐ Met after Allowance Verified and Acknowledged Examiner's Signature Initials	UT	16	28	3

ADDRESS
71562

TITLE

Extravascular System In-Line Venting

FILING FEE RECEIVED		
1530	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue)

		☐ Other _____
		☐ Credit

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INTEL CORPORATION
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

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FEB 24 2009

OFFICE OF PETITIONS

In re Application of
Michael Rothman et al
Application No. 11/864,541
Filed: September 28, 2007
Attorney Docket No. P25842

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a declaration/surcharge fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed October 11, 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

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INTEL CORPORATION
2200 MISSION COLLEGE BLVD.
SANTA CLARA, CA 95052

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OFFICE OF PETITIONS

In re Application of	:	
Michael Rothman	:	
Application No. 11/864,551	:	ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. P25844	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 26, 2009, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed October 11, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on December 12, 2007.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

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AUG 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard D. Gless Jr.	:	
Application No. 11/864,555	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHDRAW
Attorney Docket No. **074019-0351**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 14, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Antionette F. Konski or any attorneys associated with Customer Number 38706 does not have power of attorney or was ever given power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 25 2009

OFFICE OF PETITIONS

FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

In re Application of Richard D. GLESS, JR. Application No. 11/864,561 Filed: September 28, 2007 Attorney Docket No. 074019-0401	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 July 14, 2009.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Antoinette F. Konski does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane Goodwyn/
Petitions Examiner
Office of Petitions

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

CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

Mail Date: 04/20/2010

Applicant	: Ching-Shih Chen	: DECISION ON REQUEST FOR
Patent Number	: 7576116	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/864,612	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/28/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **20** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 29 2009

OFFICE OF PETITIONS

Morrison & Foerster, LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

In re Application of	:	
Harris Zisimopoulos et al.	:	
Application No. 11/864,640	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHDRAW
Attorney Docket No. 562492009300	:	FROM RECORD
	:	

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 10, 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 Morrison & Foerster, LLP has been revoked by the assignee of the patent application on October 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 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: Fitch Even Tabin & Flannery
120 South LaSalle Street
Suite 1600
Chicago, IL 60603-3406

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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WORKMAN NYDEGGER
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

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APR 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Teo et al.	:	
Application No. 11/864,668	:	DECISION ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. 15436.1047.1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 2, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 3, 2008. A Notice of Abandonment was mailed April 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU 2883 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MOSER IP LAW GROUP / FORMFACTOR, INC.
1030 BROAD STREET
2ND FLOOR
SHREWSBURY NJ 07702

COPY MAILED

MAY 01 2008

OFFICE OF PETITIONS

In re Application of	:	
Hobbs et al.	:	
Application No. 11/864690	:	DECISION ON PETITION
Filing or 371(c) Date: 09/28/2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. FF/P284	:	

This is a decision on the petition to accept an unintentionally delayed claim to priority under 37 C.F.R. § 1.78(a)(3), filed February 20, 2008, for the benefit of the prior-filed application set forth in the amendment filed with the petition. The petition is properly treated under 37 C.F.R. § 1:78(a)(3),

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 application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the

benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Derek Woods at (571) 272-3232. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2829 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.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/864,690	09/28/2007	2829	1100	FF/P284	22	3

CONFIRMATION NO. 3946

CORRECTED FILING RECEIPT

63899
MOSER IP LAW GROUP / FORMFACTOR, INC.
1030 BROAD STREET
2ND FLOOR
SHREWSBURY, NJ 07702

OC000000029607823

Date Mailed: 04/28/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Eric D. Hobbs, Livermore, CA;
Andrew W. McFarland, Dublin, CA;

Assignment For Published Patent Application

FORMFACTOR, INC., Livermore, CA

Power of Attorney: The patent practitioners associated with Customer Number 63899

Domestic Priority data as claimed by applicant

This application is a CIP of 11/306,270 12/21/2005

Foreign Applications

If Required, Foreign Filing License Granted: 10/11/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/864,690**

Projected Publication Date: 08/07/2008

Non-Publication Request: No

Early Publication Request: No

Title

APPARATUS FOR TESTING DEVICES

Preliminary Class

324

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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SUN MICROSYSTEMS, INC.
C/O DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

COPY MAILED

AUG 25 2008

OFFICE OF PETITIONS

In re Application of
CUNNINGHAM, John E. et al.
Application No. 11/864,762
Filed: September 28, 2007
Attorney Docket No. **SUN06-1160**

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 25, 2008.

The request is not approved because it is **moot**.

A review of the file record indicates that the power of attorney to SUN MICROSYSTEMS, INC. has been revoked by the assignee of the patent application on May 19, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PVF -- SUN MICROSYSTEMS INC.**
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

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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Chih-Chang Chen
3120 De La Cruz Blvd.
Suite 114
Santa Clara CA 95054

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SEP 23 2008

In re Application of
Wang, et al.
Application No. 11/864,804
Filed: September 28, 2007
Attorney Docket No. N/A
For: INTEGRATED MICROMACHINED THERMAL MASS FLOW SENSOR AND METHODS OF MAKING THE SAME

ON PETITION

This is a decision on the petition, filed July 16, 2008, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **dismissed** and the merits of the petition will not be addressed because the petition is not signed by a proper party. No additional petition fee will be due when petitioners file a reconsideration petition.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

The petition is signed by Chih-Chang Chen. Chih-Chang Chen has not provided an attorney registration number and a review of Office records does not reveal that a person named Chih-Chang Chen has been assigned a registration number. Chih-Chang Chen has not shown that he is an authorized representative of an assignee who has right to take action.

In short, Chih-Chang Chen has not established that he is permitted to file amendments and other papers in this application <u>on his own</u>. It is noted that he is one of four joint inventors.

In any reconsideration petition, applicants are encouraged to file a reconsideration petition selecting **one** of the following courses of action: Either (a) submit Chih-Chang Chen's registration number; (b) submit an appropriate 3.73(b) statement on behalf of the assignee (if there is one) establishing ownership of the invention signed by a person authorized to act on behalf of the assignee (the person authorized to act on behalf of the assignee should be Chih-

Chang Chen and in this manner, the signature on instant petition will be ratified); or (c) submit another copy of the petition signed by all four joint inventors.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 – ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Chih-Chang Chen
3120 De La Cruz Blvd.
Suite 114
Santa Clara CA 95054

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SEP 23 2008

In re Application of :
Wang, et al. :
Application No. 11/864,804 : ON PETITION
Filed: September 28, 2007 :
Attorney Docket No. N/A :
For: INTEGRATED MICROMACHINED THERMAL MASS FLOW SENSOR AND METHODS OF MAKING THE SAME

This is a decision on the petition, filed July 16, 2008, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **dismissed** and the merits of the petition will not be addressed because the petition is not signed by a proper party. No additional petition fee will be due when petitioners file a reconsideration petition.

37 CFR 1.33(b) states that any amendments and other papers filed in an application must be signed by (1) an appointed registered attorney or agent; (2) a registered attorney or agent not appointed, but acting in a representative capacity, (3) an assignee under 3.71(b); or (4) all of the named inventors.

The petition is signed by Chih-Chang Chen. Chih-Chang Chen has not provided an attorney registration number. Chih-Chang Chen has not shown that he is an authorized representative of an assignee who has right to take action.

In short, Chih-Chang Chen has not established that he is permitted to file amendments and other papers in this application on his own. It is noted that he is one of four joint inventors.

In any reconsideration petition, applicants are encouraged to file a reconsideration petition selecting **one** of the following courses of action: Either (a) submit Chih-Chang Chen's registration number; (b) submit an appropriate 3.73(b) statement on behalf of the assignee (if there is one) establishing ownership of the invention signed by a person authorized to act on behalf of the assignee (the person authorized to act on behalf of the assignee should be Chih-

Chang Chen and in this manner, the signature on instant petition will be ratified); or (c) submit another copy of the petition signed by all four inventors.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 – ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Chih-Chang Chen
3120 De La Cruz Blvd.
Suite 114
Santa Clara CA 95054

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DEC 0 5 2008

OFFICE OF PETITIONS

In re Application of
Wang, et al.
Application No. 11/864,804
Filed: September 28, 2007
Attorney Docket No. N/A
For: INTEGRATED MICROMACHINED THERMAL MASS FLOW SENSOR AND METHODS OF MAKING THE SAME

ON PETITION

This is a decision on the reconsideration petition, filed October 6, 2008, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioners are advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed October 15, 2007, which set an extendable two month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on December 16, 2007. A Notice of Abandonment was mailed on June 18, 2008.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed.;

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may

require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (1) above.

Petitioners have not submitted the $195.00 additional claim fees that was required by the October 15, 2007 Notice.

A copy of the October 15, 2007 Notice is enclosed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 – ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Notice to File Missing Parts of Nonprovisional Application, mailed October 15, 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
11/864,804	09/28/2007	Gaofeng Wang	

CONFIRMATION NO. 4127
FORMALITIES LETTER

73221
Chih-Chang Chen
3120 De La Cruz Blvd.
Suite 114
Santa Clara, CA 95054

Date Mailed: 10/15/2007

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).

- Additional claim fees of **$200** 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 **$195** for a small entity

- Total additional claim fee(s) for this application is **$200**
  - **$200** for **15** total claims over 20.

(A previous payment of **$5** will be applied to the additional fees indicated above.)

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

PART 3 - OFFICE COPY

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Chih-Chang Chen
3120 De La Cruz Blvd.
Suite 114
Santa Clara CA 95054

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FEB 17 2009

OFFICE OF PETITIONS

In re Application of :
Wang, et al. :
Application No. 11/864,804 :
Filed: September 28, 2007 :
Attorney Docket No. N/A :
For: INTEGRATED MICROMACHINED THERMAL MASS FLOW SENSOR AND METHODS OF MAKING THE SAME

ON PETITION

This is a decision on the reconsideration petition, filed January 3, 2009, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed October 15, 2007, which set an extendable two month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on December 16, 2007. A Notice of Abandonment was mailed on June 18, 2008.

Applicants have submitted a proper reply to the October 15, 2007 Notice in the form of $195.00 in additional claim fees, an acceptable statement of the unintentional nature of the delay in responding to the October 15, 2007 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAR 31 2010

OFFICE OF PETITIONS

BASF CATALYSTS LLC
100 CAMPUS DRIVE
FLORHAM PARK NJ 07932

In re Application of	:	
Xinsheng LIU et al	:	
Application No. 11/864,813	:	DECISION ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. 5201	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before December 11, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed September 10, 2009. Accordingly, the date of abandonment of this application is December 11, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) petition fee of $1,620[1]; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Olisa Anwah at (571) 272-7099 or in his absence, the undersigned at (571) 272-7099.

This application is being referred to the Office of Data Management for processing into a patent.

David A. Bucci
Petitions Examiner
Office of Petitions

[1] The petition fee required under 37 CFR 1.137(b) has been charged to Deposit Account Number 05-1070.

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MAY 25 2010

OFFICE OF PETITIONS

MORRISON & FOERSTER, LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of Mor Naaman Application No. 11/864,828 Filed: September 28, 2007 Attorney Docket No. 324212029600	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 25, 2010.

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 April 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to 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: YAHOO! INC
701 FIRST AVENUE
SUNNYVALE, CA 94089

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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of
PARTAIN, Larry et al.
Application No. 11/864,856
Filed: September 28, 2007
Attorney Docket No. **7017-2101**

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 13, 2008.

The request is not approved because it is 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 May 05, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **HOUST CONSULTING (Varian)**
P.O.BOX 2688
SARATOGA CA 95070-0688

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United States Patent and Trademark Office
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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 05/07/2010

Applicant	: Sriram Ramadoss	: DECISION ON REQUEST FOR
Patent Number	: 7629910	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/864,979	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **11** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

Mail Date: 04/20/2010

Applicant	: Kalaivani Arumugham	: DECISION ON REQUEST FOR
Patent Number	: 7627699	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/865,034	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEEDAR TECHNOLOGY INC.
R206, #12, NAN-KE 2ND ROAD,
TAINAN SCIENCE-BASED INDUSTRIAL PARK
TAINAN TW TAIWAN

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SEP 15 2008

In re Application of	:	
Hsieh et al.	:	
Application No. 11/865,076	:	ON PETITION
Filed: October 1, 2007	:	
Attorney Docket No. DB001	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 18, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the additional claims fee and late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

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RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS MI 48304-0610

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DEC 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Michael E. Miller et al.	:	
Application No. 11/865,092	:	DECISION ON PETITION
Filed: October 1, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 65937-0103	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 15, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from Michael E. Miller declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3736 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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IBM CORPORATION
PO BOX 12195
DEPT YXSA, BLDG 002
RESEARCH TRIANGLE PARK, NC 27709

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MAR 2 7 2009

OFFICE OF PETITIONS

In re Application of Beaman et al. :
Application No. 11/865,103 :
Filing Date: October 1, 2007 :
Attorney Docket No. RPS920060113US2 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed December 12, 2008, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed August 18, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on November 19, 2008. A Notice of Abandonment was mailed on December 15, 2008.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) the reply required to the outstanding Office action or notice, unless previously filed,
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the Notice of Allowance in the form of payment of the issue fee and publication fee. Petitioner has submitted the required petition fee of $1,620. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

February 12, 2009

In re application of Shigeru Yamauchi et al. Serial No. 11/865,154 Filed: October 1, 2007 For: COMPOSITE OF GLASS AND HOT MELT COMPOSITION AND METHOD OF PRODUCING THE SAME	: : : : : : :	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, together with the preliminary amendment, both filed November 17, 2008.

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, 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 to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the 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 claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:

   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fail because:

(3) All of 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).

Specifically, independent claim 1 of the present application does not include the component "or member" in addition to the "hot melt layer" as does claim 1 of the JPO application (see last full paragraph of claim 1).

Additionally, dependent claim 20 of the present application appears to be identical to claim 8 of the present application (note that both claims depend from claim 1). As applicant has indicated that claim 20 is substantially the same as claim 8 of the JPO application except that the JPO claim is a multiple dependent claim, applicant is encouraged to review the dependency of dependent claim 20.

(7) The required petition fee under 37 CFR 1.17(h) has not been submitted.

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 within the time period given, the application with await action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

March 17, 2009

In re application of Shigeru Yamauchi et al. Serial No. 11/865,154 Filed: October 1, 2007 For: COMPOSITE OF GLASS AND HOT MELT COMPOSITION AND METHOD OF PRODUCING THE SAME	: : : : : : :	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 supplemental request to participate in the Patent Prosecution Highway (PPH) program filed February 19, 2009.

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, 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 to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the 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 claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/865,161	10/01/2007	Kousuke WATANABE	Q100535	4758

7590 09/23/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
ANGEBRANNDT, MARTIN J

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
09/23/2009	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

Adjustment date: 09/24/2009 NFARMER
10/01/2007 INTEFS0 00016860 194880 11865161
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/865,181	10/01/2007	Ju Hwa HA	KSA-0116	4798

7590 04/23/2009

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
TRUONG, BAO Q

ART UNIT	PAPER NUMBER
2875	

NOTIFICATION DATE	DELIVERY MODE
04/23/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 04/22/2009 NFARMER
10/01/2007 INTEFSW 00017183 061130 11865181
02 FC:1111 510.00 CR
04 FC:1201 210.00 CR

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/865,181	10/01/2007	Ju Hwa HA	KSA-0116	4798

7590 04/23/2009

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
TRUONG, BAO Q

ART UNIT	PAPER NUMBER
2875	

NOTIFICATION DATE	DELIVERY MODE
04/23/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 04/22/2009 NFARMER
10/01/2007 INTEFSW 00017183 061130 11865181
02 FC:1111 510.00 CR
04 FC:1201 210.00 CR

FORM PET651G (Rev. 08/07)

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OCT 09 2008

TECHNOLOGY CENTER 2100

SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: KITAYAMA et al.
Application No. 11/865,199
Filed: October 1, 2007
For: METHOD AND SYSTEM FOR OBTAINING A COMBINATION OF FAULTY PARTS FROM A DISPERSED PARTS TREE

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 27, 2008, to make the above-identified application special.

The petition is **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 are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
WASHINGTON DC 20006-5403

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JUN 09 2008

OFFICE OF PETITIONS

In re Application of	:	
Einar Rosenberg	:	
Application No. 11/865,204	:	ON PETITION
Filed: October 1, 2007	:	
Attorney Docket No. N1250.0001/P001	:	
	:	

This is a decision on the petition filed December 21, 2007, requesting that the above-identified application be accorded a filing date of October 1, 2007, with Figure 18c as described in the specification as a part of the original disclosure.

The application was filed October 1, 2007. On October 22, 2007, however, 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 October 1, 2007, but that, Figure 18c as described in the specification appeared to have been omitted from the application.

In response, petitioner states that the instant application is based on provisional patent application No. 60/848,058, filed September 26, 2006, the entire disclosure of which was incorporated by reference into the instant application.

The mailing of the "Notice" mailed October 22, 2007 permitted the applicant to either: (1) petition for the date of deposit, (2) petition for later filing date or (3) accept the application as filed.

It is noted that the first line of the specification incorporated the full disclosure of prior provisional application 60/848,058. MPEP 201.06(c) states that:

> . . . an applicant may incorporate by reference the prior application by including, in the application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuing application to include any subject matter in such prior application(s), <u>without the need for a petition</u>. (emphasis supplied)

Obviously, in view of the incorporation by reference in the prior application, Figure

18c, as described in the specification, is not new matter if it was a part of the disclosure of the prior application.

As a complete application was present on October 1, 2007, the application as filed is entitled to a filing date of October 1, 2007.

The application will be processed and examined with the copy of Figure 18c, supplied on December 21, 2007, as a part of the original disclosure. Of course, the primary examiner is expected to compare the drawings supplied on December 21, 2007, to the disclosure of prior application no. 60/848,058 in order to verify that the drawings are, in fact, part of the disclosure of the prior application.

Since the petition was required to accord the requested filing date and since the error occurred through no wrongdoing on the part of the USPTO, a petition fee in the amount of $400.00 is required and has been charged to petitioner's credit card as authorized. The petition is **GRANTED**.

The application is being forwarded to the Office of Patent Application Processing for processing with a filing date of October 1, 2007, using the application papers filed on October 1, 2007, and the copy of Figure 18c, supplied on December 21, 2007, as the original disclosure, and for an indication in Office records that Figure 18c was present on filing.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

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FEB 18 2010

In re Application of	:	
Shigeru Hashimoto et al	:	
Application No. 11/865,241	:	DECISION GRANTING PETITION
Filed: October 1, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 072249	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 4, 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 2612 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

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/865,248	10/01/2007	Howard Ganz	GANZ-36219US7	4929

26206 7590 02/05/2008
Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

EXAMINER
AHMED, MASUD

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
02/05/2008	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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Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

FEB 05 2008

In re Application of: GANZ, Howard
Serial No.: 11/865,248
Filed: October 1, 2007
Title: SYSTEM AND METHOD FOR TOY ADOPTION MARKETING

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on October 1, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I: 1-4 and II: 5.1, 5.3, 6.1, 6.5, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 6.2, 6.3, and 6.4 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

When referring to "the petition" herein below, the received papers under consideration include the two page "Petition to Make Special", the Accelerated Examination Support Document pages

1-27, the Pre-Examination Search Statement pages 1-7, and the Information Disclosure Statement and PTO-1449 form. All items were received via EFS Web on October 1, 2007.

Regarding the requirements of section II element 5.2 outlined above, the pre-examination search conducted by the petitioner is too limited. Petitioner has omitted critical searching by failing to perform a search in class 434/308+; 369/63, 64; 446/299. The text search is too narrow for failing to also include the term "trading card". Finally, nowhere in the search is it apparent that the specific features claimed in every one of claims 1-20, including the specific limitations of each of the *dependent* claims, have been specifically searched. A grantable petition requires the search be directed to the claimed invention and encompass all of the features of all of the claims while giving the claims the broadest reasonable expectation.

Regarding the requirement of section II, elements 6.2 and 6.3, at the onset, it is noted that while the IDS submitted cites 46 references in total, the Examination Support Document (ESD) only makes reference to 23 of the 46 cited references. It is also noted that it appears one of the references discussed in the ESD is not cited on the IDS submitted (Asami et al. US 20060080529). If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD. Because the ESD only refers to 23 of the 46 cited references, elements 6.2 and 6.3 are not met. Thus, because the ESD does not refer to references that appear to be admittedly closely related to the subject matter of the claims, elements 6.2 and 6.3 are not met.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all the limitations in the claims that are disclosed by *each reference* specifying where the limitation is disclosed in the cited reference. As explained above, the ESD fails to refer to each reference. Furthermore, the petition does not appear to sufficiently address the dependent claims (claims 2-12, 14-16, and 18-20) which are, with respect to every or nearly every reference, merely dismissed by indicating the references neither teach nor suggest any of the limitations of all of these dependent claims; in conjunction with the comments on the search above, it is noted that this further raises the question of the sufficiency of the search with respect to the limitations of the dependent claims as petitioner does not appear to have specifically searched these limitations nor does petitioner discuss any of the most closely related art with respect to these. A grantable petition requires an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This analysis should be done for each claim for a grantable petition.

That a limitation may be, in petitioner's opinion, lacking from a reference when comparing the reference to an independent claims does not exempt petitioner from the remaining analysis of what the reference discloses with respect to each claimed limitation in the remaining dependent claims.

Regarding the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how *each* of the claims are patentable over *each* of the references with *particularity* required by 37 CFR 1.111(b) and (c). As explained above, the ESD fails to refer to each reference. Petitioner avers that none of the references teach or suggest certain features of the claims. This discussion of patentability is deficient for several reasons. *Each* claim should be discussed with respect to *each reference* with *particularity* to how each claim is patentable. The petitioner makes these broad statements regarding what "all of the references" fail to teach or suggest with respect to independent claims 1, 13, and 17 but also with respect to dependent claims 2-12, 14-16, and 18-20 which dependent claims are not discussed in any further detail. This explanation fails to discuss each claim, fails to discuss the claims with respect to each reference, and fails to provide an explanation with particularity as required. As outlined above, all claims must be addressed with at least the same specificity to claim language as is needed to meet the requirement of section II element 6.2 above, and with respect to each cited reference. For reference, a grantable petition must meet the requirements of the practice and such includes a discussion with respect to the claimed subject matter. 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made."

Regarding the requirement of section II, element 6.4, the petition fails to provide a concise statement of the utility of the invention as defined in *each* of the independent claims. Petitioner refers instead to the "invention as claimed" without specifically discussing the utility of the invention in *each independent claim*. It is noted that even were this section of the petition accepted, the petition is still deficient for other reasons detailed above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Colleen P. Cooke, TC 3700 Special Program Examiner, at (571) 272-1170.

Colleen P. Cooke
Special Program Examiner
Technology Center 3700

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1801 East 9th Street
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MAR 28 2008

In re Application of: Ganz, Howard
Serial No.: 11/865,248
Filed: October 1, 2007
Title: SYSTEM AND METHOD FOR TOY ADOPTION MARKETING

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed on March 5, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The request has been treated as a renewed petition to make the above-identified application special and has been viewed as a supplement to and in combination with the original petition which was filed on October 1, 2007 and dismissed in the Office letter of February 5, 2008.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the conditions as outlined in the prior petition decision. The conditions are not repeated herein.

REVIEW OF FACTS

As stated in the decision of February 5, 2008 conditions I: 1-4 and II: 5.1, 5.3, 6.1, 6.5, and 6.6 above were considered to have been met. The petition failed to comply with conditions II: 5.2, 6.2, 6.3, and 6.4. Upon reconsideration, the newly written petition is considered to additionally meet II: 5.2, 6.2, 6.3, and 6.4. However, the newly written petition fails to meet the requirement of section II: 6.5. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DISCUSSION

According to the Application Data Sheet, the instant application claims domestic priority as a continuation of Application 11/027, 271. An amendment to the specification filed on October 17, 2007 corrected the claim for priority from Application 11/027,880 to 11/027,271. It is noted that this preliminary amendment on its own is evidence that at the time of the filing the application was not in condition for examination – thus making the petition eligible for denial at that time. Presently however, the showing of support under 35 U.S.C. 112, 1st paragraph for each application for which the instant application claims priority, referring to Application 11/027,880 is defective (see Examination Support Document, p. 67, paragraph 3). It is also noted that the claim for priority in the specification does not comply with 37 C.F.R. 1.77(b)(2), because it is not listed immediately under the title.

DECISION

For at least failing to meet the requirement of section II: element 6.5, the petition is **DENIED**. The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Colleen P. Cooke, Special Program Examiner, at 571 272-1170.

Ehud Gartenberg

Ehud Gartenberg
Special Program Examiner
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/865,248	10/01/2007	Howard Ganz	GANZ-36219US7	4929

7590 07/13/2009

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

EXAMINER
AHMED, MASUD

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
07/13/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 07/13/2009 NFARMER
10/02/2007 INTEFSW 00000302 160820 11865248
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

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OCT 20 2008

OFFICE OF PETITIONS

MEDTRONIUC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS MN 55432-9924

In re Application of	:	
Bor-Jiin Mao	:	
Application No.11/865,294	:	DECISION ON PETITION
Filed: October 1, 2007	:	
Attorney Docket No. P0030228.00	:	

This is a decision on the petition, filed July 22, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice To File Missing Parts Of Nonprovisional Application (Notice) mailed October 22, 2007, which set a two (2) month period for reply. A Notice of Abandonment was mailed on June 25, 2008.

Petitioner asserts that the Notice dated October 22, 2007 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

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).

Applicant's statement that a search of applicant's docket records will also be construed as a statement that a search of the file jacket was made.

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 Office of Patent Application Processing for pre-examination processing, and using the reply received July 22, 2008.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

Mail Date: 04/20/2010

Applicant	: Mikhail L. Pekurovsky	: DECISION ON REQUEST FOR
Patent Number	: 7625449	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/865,349	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/01/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.
11/865,358	10/01/2007	Shawn Allen Ruden	STL13230	5145

73462 7590 07/09/2010
Fellers, Snider, Blankenship, Bailey & Tippens, PC
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Oklahoma City, OK 73102-8820

EXAMINER
NEWAY, BLAINE GIRMA

ART UNIT	PAPER NUMBER
3728	

MAIL DATE	DELIVERY MODE
07/09/2010	PAPER

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The time period for reply, if any, is set in the attached communication.

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Fellers, Snider, Blankenship, Bailey & Tippens, PC
(Seagate Technology LLC)
100 North Broadway, Suite 1700
Oklahoma City OK 73102-8820

In re Application of: RUDEN, SHAWN ALLEN et al Serial No.: 11/865,358 Filed: Oct. 1, 2007 Docket: STL 13230 Title: Media Caddy Handling	DECISION ON PETITION

This is a decision on the petition filed on June 16, 2010 by which petitioner requests withdrawal of the restriction requirement mailed May 4, 2009, and that non-elected claims 18-20 be rejoined and examined on the merits. Claims 1-17 were elected for prosecution. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is DISMISSED.

Prosecution History:

A review of the record reveals that on May 4, 2009 a restriction requirement was made between two disclosed and claimed related inventions: I) claims 1-17 drawn to an apparatus for storing a disc, classified in class 206, subclass 710; and II) Claims 18-20 drawn to a method of handling discs, classified in class 294, subclass unknown. On June 4, 2009, the Applicant filed a response to the restriction requirement and elected Invention I. In order to traverse the restriction requirement, the Applicant amended method claim 18 to recite all the features of product claim 10.

On September 1, 2009, the Examiner the restriction requirement final on the grounds that the claimed product did not require the "reference surface" of method claim 18, stating that the product as claimed could be used in a materially different process of loading and unloading while the apparatus is manually held.

On December 2, 2009, Applicant traversed the restriction requirement on the basis that the reference surface would be the user's body part used to support the disc cassette in a manually

performed method. Applicant then amended the method claims to delete all references to the disputed term "reference surface".

A final rejection was made on March 16, 2010.

On May 17, 2010, a request was made to the Office to respond to Applicant's arguments concerning the Applicant's request for rejoinder of the withdrawn method claims 18-20.

An advisory action was sent out on June 1, 2010 denying Applicant's request.

Applicant then filed a petition for review on June 16, 2010 to reverse the Office's decision to not withdraw the restriction of claims 18-20.

Discussion and Analysis:

The examiner stated that the inventions were distinct because the inventions were related as a product and a process of using in accordance with MPEP 806.05(h) [1]. A restriction is proper if the claimed process of claim 18 can be practiced with a materially different product, or the claimed product of claim 10 can be used in a materially different process. The restriction requirement of May 4, 2009 is considered proper in that the inventions are distinct for the reasons set forth in the restriction requirement and made final on September 1, 2009. In the restriction requirement of May 4, 2009, the examiner stated that the product of Invention I as claimed can be used in a materially different process that does not require extending fingers that engage a protuberant hold down feature defined by the disc cassette.

A careful review of the claims 1-20 as amended on December 2, 2009 shows that the apparatus in claim 10 merely requires a rectangular structure with open first and second ends and first and second removable covers for covering said ends. Such broadly claimed structure could encompass any rectangular storage device with removable covers for two open ends. This clearly shows the product as claimed in claim 10 can be used in a materially different process. For example, the product of claim 10 would read on a reusable shipping box with removable covers at two ends and usable for shipping. Another example of using the claimed product in a materially different process, the claimed product can be used in storing conical shaped items instead of disc. With the examples given above, this would establish that the Invention I and Invention II are patentably distinct or independent. It should be noted that only one way distinction is required to establish the distinctness between two inventions in accordance with MPEP § 806.05(h). Therefore, there is no error found in the examiner's restriction requirement. The restriction requirement stands.

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[1] MPEP 806.05(h) [R-3] Product and Process of Using: A product and a process of using the product can be shown to be distinct inventions if either or both of the following can be shown: (A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process. The burden is on the examiner to provide an example, but the example need not be documented. If the applicant either proves or provides a convincing argument that the alternative use suggested by the examiner cannot be accomplished, the burden is on the examiner to support a viable alternative use or withdraw the requirement.

For the foregoing reasons, the relief requested by petitioner will not be granted. The restriction requirements rendered on May 4, 2009 are considered proper. Petitioner's request to have the non-elected claims be examined in this application is dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272- 4856.

PETITION DISMISSED.

Angela D. Sykes

Angela D. Sykes, Director
Technology Center 3700

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Brian Roffe, Esq.
11 Sunrise Plaza, Suite 303
Valley Stream, NY 11580-6111

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In re Application of	:	
David S. Breed et al.	:	
Application No. 11/865,363	:	DECISION ON PETITION
Filed: October 1, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ITI-035	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 23, 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 photocopy of applicant's passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 2856 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Pieter Vorenkamp	: DECISION ON REQUEST FOR
Patent Number	: 7593832	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/865,417	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/01/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN OH 43017

In re application of	:	**DECISION ON PETITION**
Elizabeth et al.	:	**TO MAKE SPECIAL FOR**
Application No. 11/865,445	:	**NEW APPLICATION**
Filed: October 1, 2007	:	**UNDER 37 CFR 1.102**
For: MEDICARE PHARMACY CALCULATOR II		

This is a decision on the petition filed on October 1, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where

each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5, II.5.1, II.5.2, and II.6.3.

Condition II.5 sets forth that, for database searches, the search logic used as a query, the name of the file(s) searched, and the database service(s) utilized must be identified by Applicant. While Applicant gives a general description of the type of database services used and lists the files searched, Applicant fails to list the specific names of these services. Appendix A (pages 10-16 of the Pre-Examination Search Document) lists various databases, some of which state that the full text is searchable by the Nerac search engine. It is not readily apparent if all of the listed database files were searched using the Nerac search engine. Applicant must specifically point out which database service was used to search each database file. Applicant is also reminded that the actual search syntax and verbatim queries used in each database service should be explicitly pointed out. At present, it is difficult to assess if the semicolons and mere lists of keywords were searched in the alternative (i.e., as an OR command) as part of the respective query or if each semicolon or keyword list denotes another search syntax (such as an AND command). Without knowing with certainty which particular database services were used, it will be assumed that the semicolon and listing of keywords within a single query serve as an instruction to search these keywords in the alternative (i.e., as an OR command) for purposes of treating the Petition for Accelerated Examination. Also assumed for these purposes are that the code(s) following " \ " denotes a field(s) to which the search is to be limited, " * " is a wildcard operator, and numbers within " < > " denote a desired proximity between the keywords in question.

Further regarding Condition II.5, even though Applicant identified Google (including a regular web search as well as a Google Scholar search) as a database service and files searched, Applicant merely provides a long list of keywords as part of query L1 (page 8 of the Pre-Examination Search Document). The actual, verbatim search logic used in Google's database files should be supplied as well since it is not clear which, if any, truncation and proximity operators were used in the Google search query or queries.

As per Condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation. Applicant's listed keywords do not

target some of the asserted distinctions of the claimed invention over the prior art nor do they account for a wide variety of synonyms that would produce a more comprehensive, yet focused, search emphasizing the patentably distinguishing claimed subject matter. For example, pages 42-43 of the Accelerated Examination Support Document set forth certain claimed features that are allegedly not taught or suggested by the prior art. These features include "assigning a drug fill to a month in which said drug fill will be purchased during the plan period, determining if at least one Medicare Part D stage is applicable to said drug fill, or presenting the out-of-pocket costs to the user by presenting the monthly anticipated out-of-pocket costs." Applicant generally searched concepts related to health care/medical benefits and general planning, but the search queries do not focus on selecting/scheduling/planning the best month/time period/dates in which to have a prescription/drug filled/refilled in order to minimize drug costs to the patient (which are part of the asserted novelty of the independent claims). Also, some of the searched concepts were too narrowly limited by search field(s) and class(es) of search. For example, query L5 on page 3 of the Pre-Examination Search Document is limited to two subclasses (705/2, 4) with the keyword pharma* (only found in the aggregated search field and full claims search field) in combination with the search terms of L3 and L4. Such a search strategy omits relevant hits that would otherwise be identified outside of subclasses 705/2 and 4 as well as hits that might use synonyms corresponding to pharma* (such as medica*, medicin*, drug, drugs, health, healthcare, prescribe*, prescription*, etc.).

A recommended search might be executed in all databases of East with the following search queries:

L1: (best OR beneficial$2 OR preferred OR cheap$3 or (cost ADJ effective) OR economical OR optimal$2 OR optimiz$6 OR optimis$6 OR ((maximiz$6 OR maximis$6) NEAR5 (benefit$1 OR coverage$1)))

L2: (period$1 OR date OR dates OR time OR times OR month$1 OR day OR days OR week$1 OR schedul$3 or calendar$1)

L3: (refill$3 OR re-fill$3 OR (re ADJ fill$3) OR ((fill$3 OR dispens$3) NEAR5 (drug$1 or prescription$1 or prescribed)))

L4: L1 SAME L2 SAME L3

L5: (determin$6 OR predict$4 OR foretell$3 OR forecast$3 OR expected) NEAR5 ("out of pocket" OR "out-of-pocket" OR co-pay$3 OR "not covered" OR (co ADJ pay$3))

L6: L4 AND L5

Please keep in mind that these are non-limiting search suggestions and they are only meant to serve as a possible starting point for Applicant's preexamination search. Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site: http://www.uspto.gov/web/patents/accelerated/

Also deficient from Applicant's petition as it pertains to Condition II.5.2 are search queries specific not only to the alleged patentably distinguishing features of the independent claims, but also those asserted in relation to the dependent claims. By Applicant's own admission of which features are not disclosed in the three prior art references cited, certain features recited in claims 1(b, c, d), 3 (e, f, g, h), 9 (b, c, e, f), 11 (h, i, j, k), 12 (h, i, j, k), and 15 (b, c) as well as all of the features introduced by dependent claims 2, 4-8, 10, 13, 14, and 16-20 are not anticipated by any of the cited prior art. For example, as to claims 6 and 14, there are no keywords specific to a one year plan period nor does Applicant admit that such a feature is not deemed to be a patentably distinguishing feature. Similarly, there are no keywords that focus on any stage identifier, much less the corresponding details recited in claims 17-19, nor any admission that such details are not patentably distinguishing features. Therefore, Applicant has not met the requirements set forth by Condition II.5.2.

As per Condition II.6.3, Applicant submits that "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference to achieve the claimed invention...the prior art references must disclose all the claim limitations." (Page 42 of the Accelerated Examination Support Document) Applicant then asserts that none of the cited references, alone or in combination, discloses or suggests "assigning a drug fill to a month in which said drug fill will be purchased during the plan period, determining if at least one Medicare Part D stage is applicable to said drug fill, or presenting the out-of-pocket costs to the user by presenting the monthly anticipated out-of-pocket costs." (Pages 42-43 of the Accelerated Examination Support Document) It is understood that Applicant submits that certain features recited in the independent claims are not anticipated by any of the cited prior art; however, as discussed above, Applicant's search queries have not sufficiently addressed the asserted points of novelty. If, in response to this petition decision, Applicant identifies additional prior art addressing these features (albeit individually), then Applicant is reminded that the response should also include a discussion as to why all claims would be deemed unobvious in light of the identified prior art. It should be noted that Applicant currently cites only "suggestion or motivation" in relation to the test of obviousness. Applicant is reminded of the decision in *KSR International Co. v. Teleflex, Inc.*, 82 USPQ2d 1385 (U.S. 2007) which changed the reliance on suggestion or motivation with respect to obviousness determinations.

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

_____

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/SMD/11/23/07

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STANDLEY LAW GROUP LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN OH 43017

In re application of	:	**DECISION ON PETITION**
Elizabeth et al.	:	**TO MAKE SPECIAL FOR**
Application No. 11/865,445	:	**NEW APPLICATION**
Filed: October 1, 2007	:	**UNDER 37 CFR 1.102**
For: MEDICARE PHARMACY CALCULATOR II		

This is a decision on the petition filed on January 3, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the

amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

    If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination

process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/SMD/1/13/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/865,496	10/01/2007	Deug-Ku Chang	678-3335 (P15249)	5413

7590 09/04/2009

THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
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Melville, NY 11747

EXAMINER
FEILD, LYNN DIANA

ART UNIT	PAPER NUMBER
2400	

MAIL DATE	DELIVERY MODE
09/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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Credit Card Refund Total: [illegible]

[illegible]

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

In re Application of	:	
Donald F. Specht	:	
Application No. 11/865,501	:	DECISION ON PETITION
Filed: October 1, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 01040.P1US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 1, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's drivers license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Initial Patent Examination for processing. 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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RUDEN, MCCLOSKY, SMITH,
SCHUSTER & RUSSELL, P.A.
222 LAKEVIEW AVE
WEST PALM BEACH, FL 33401-6112

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AUG 21 2008

OFFICE OF PETITIONS

In re Application of	:	
Andrew W. **GORDON**	:	
Application No. 11/865,521	:	DECISION ON PETITION
Filed: October 1, 2007	:	TO WITHDRAW
Attorney Docket No. 17425/004009	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 5, 2008.

The request is **NOT APPROVED**.

The Office cannot approve the request at this time since the reason provided does not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "a practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office." More specifically, 37 CFR 10.40 states, "if paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, Transfer to new counsel, does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: WATER STANDARD CO., LLC,
AMANDA MARTIN-BROCK
4265 SAN FELIPE, SUITE 610
HOUSTON, TX 77027

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SCHUSTER & RUSSELL, P.A.
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OFFICE OF PETITIONS

In re Application of	:	
Andrew W. **GORDON**	:	
Application No. 11/865,521	:	DECISION ON PETITION
Filed: October 1, 2007	:	TO WITHDRAW
Attorney Docket No. 17425/004009	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 4, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Ruden, McClosky, Smith, Schuster & Russell, P.A., has been revoked by the inventor of the patent application on May 12, 2008. 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 address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: TIANUN HOU
HOUST CONSULTING
P.O. BOX 2688
SARATOGA, CA 95070

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CHICAGO, IL 60610

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MAY 03 2010

OFFICE OF PETITIONS

In re Application of
Neal Brady et al
Application No. 11/865,534
Filed: October 1, 2007
Attorney Docket No. 4672/651

ON PETITION

This is a decision on the petition, filed April 30, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 7, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3696 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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J. NICHOLAS GROSS, ATTORNEY
2030 ADDISON ST.
SUITE 610
BERKELEY, CA 94704

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MAY 01 2009

OFFICE OF PETITIONS

Applicant: Bennett *et al.*
Application No.: 11/865,592
Filed: October 1, 2007
Title: SPEECH RECOGNITION SYSTEM INTERACTIVE AGENT

: **DECISION**
: **GRANTING**
: **AND**
: **DISMISSING**
: **PETITIONS**

This is a decision on the following petitions entitled, (1) "PETITION TO WAIVE ADDITIONAL PHYSICAL COPY REQUIREMENT FOR NON-PATENT LITERATURE," filed October 22, 2008, and (2) "WITHDRAWAL OF PETITION TO WAIVE ADDITIONAL PHYSICAL COPY REQUIREMENT FOR NON-PATENT LITERATURE," filed January 27, 2009, requesting that the October 22, 2008 petition be withdrawn.

A review of the record in the instant application indicates that the Office has not yet begun a review of the initial October 22, 2008 petition. Accordingly, based on the facts and circumstances in this case, the January 27, 2009 petition is **granted** to the extent that the October 22, 2008 petition is **dismissed as moot**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition. *See* 35 U.S.C. § 41(a)(7). The October 22, 2008 petition is treated as a petition under 37 CFR 1.183 for waiver of 37 CFR 1.98(a). Pursuant to 37 CFR 1.17(f), the required fee for the petition under 37 CFR 1.183 is $400. The fee transmittal form that accompanied the October 22, 2008 petition indicated the incorrect petition fee of $130. Accordingly, the $130 fee paid on October 23, 2008 is being refunded to petitioner's Deposit Account (501-244) and, as authorized on page 3 of the October 22, 2008 petition, the required $400 fee for the petition under 37 CFR 1.183 will be charged to petitioner's Deposit Account (501-244).

The application is being forwarded to Technology Center 2600 for further processing. Telephone inquiries regarding this communication should be directed to Nicole Dretar, Legal Advisor, at (571) 272-7717.

Brian E. Hanlon

Brian Hanlon
Deputy Director
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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AUG 2 5 2008

OFFICE OF PETITIONS

In re Application of	:	
LEE, Bong-Joon	:	
Application No. 11/865,621	:	DECISION ON PETITION
Filed: October 01, 2007	:	TO WITHDRAW
Attorney Docket No. **25700-12677**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 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 Jae Won Song on behalf of all attorneys of record. All attorneys/agents associated with the Customer Number have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **BONG-JOON LEE**
#903, DAEYOUNG OFFICETEL
874-5 BONGCHEON-10-DONG
KWANAK-GU
SEOUL, REPUBLIC OF KOREA

cc: **MR. JOHN PARK**
PACIFIC COAST TRANSACTION ADVISORS
367 SANTANA HEIGHTS, SUITE 6031
SAN JOSE, CA 95128

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PAUL, HASTINGS, JANOFSKY & WALKER, LLP
875 15TH STREET, NW
WASHINGTON, DC 20005

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MAY 03 2010

OFFICE OF PETITIONS

In re Application of Michael w. Berns, et. al. Application No. 11/865,677 Filed: October 1, 2007 Attorney Docket No. 52745-005US0	: : : : :	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 January 7, 2010.

The request is **NOT APPROVED**.

It is noted that a power of attorney was filed by the assignee on March 3, 2004 and supplemented on March 4, 2010, which revoked any previous power of attorney or authorization of agent. Therefore, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

This application file is being referred to Technology Center Art Unit 1797, to await a response to the Restriction/Election Requirement mailed April 16, 2010.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: DAVIS WRIGHT TREMAINE LLP/Los Angeles
865 FIGUEROA STREET- SUITE 2400
LOS ANGELES, CA 90017-2566

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BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS TX 75201

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JUN 18 2008

OFFICE OF PETITIONS

In re Application of	:	
Ryba, et al.	:	
Application No. 11/865,686	:	DECISION ON PETITION
Received: October 1, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 67174382.001011	:	

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed October 1, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for benefit of priority to the prior-filed application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

The instant application is a reissue application of U.S. Pat. No. 7,004,936, issued February 28, 2006. As the utility application which became the patent to be reissued was filed after November 29, 2000, the reissue applicant must file a petition for an unintentionally delayed priority claim under 37 CFR 1.78(a)(3) in addition to filing a reissue application. *See*, MPEP § 201.11.

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 Filing Receipt to issue in due course 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, will issue in due course.

Any questions concerning this decision on petition may be directed to the undersigned 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 referred to the Office of Patent Application Processing for further processing.

Anthony Knight
Supervisor
Office of Petitions

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MUNCY, GEISSLER, OLDS & LOWE, PLLC
P.O. BOX 1364
FAIRFAX, VA 22038-1364

MAILED

SEP 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Kuechler et al.	:	DECISION ON PETITION
Application No. 11/865,709	:	TO WITHDRAW
Filed: October 1, 2007	:	FROM RECORD
Attorney Docket No. 1005/0144PUS1	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on September 3, 2009.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

The application is currently abandoned for failure to respond to the Final Office action mailed March 20, 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

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VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON VA 20190

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OFFICE OF PETITIONS

In re Application of Seo, Roh, Kim and Jeon Application No. 11/865,738 Filed: 10/02/2007 Attorney Docket No. SEC.2004 Title: SEMICONDUCTOR DEVICE INCLUDING CONDUCTIVE LINES WITH FINE LINE WIDTH AND METHOD OF FABRICATING THE SAME	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed March 18, 2008. Petitioner obtained an extension of time for response within the third month. Accordingly, the petition is filed timely.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor cannot be located after diligent efforts to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Sang-Min Jeon
401, 1039-4, Yeongtong-dong, Yeongtong-gu, Suwon-si,
Gyeonggi-do, Republic of Korea

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MAY 0 5 2008

OFFICE OF PETITIONS

In re Application of :
Seo, Roh, Kim and Jeon :
Application No. 11/865,738 : LETTER
Filed: 10/02/2007 :
Attorney Docket No. SEC.2004 :
Title: SEMICONDUCTOR DEVICE INCLUDING :
CONDUCTIVE LINES WITH FINE LINE :
WIDTH AND METHOD OF FABRICATING :
THE SAME :

Dear Mr. Jeon:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/865,778	10/02/2007	Howard Ganz	GANZ-36219US9	5959

26206 7590 02/05/2008
Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

EXAMINER
AHMED, MASUD

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
02/05/2008	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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Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

FEB 05 2008

In re Application of: GANZ, Howard
Serial No.: 11/865,778
Filed: October 2, 2007
Title: SYSTEM AND METHOD FOR TOY ADOPTION MARKETING

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on October 2, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I: 1-4 and II: 5.1, 5.3, 6.1, 6.5, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 6.2, 6.3, and 6.4 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

When referring to "the petition" herein below, the received papers under consideration include the two page "Petition to Make Special", the Accelerated Examination Support Document pages

1-54, the Pre-Examination Search Statement pages 1-5, and the Information Disclosure Statement and PTO-1449 form. All items were received via EFS Web on October 2, 2007.

Regarding the requirements of section II element 5.2 outlined above, the pre-examination search conducted by the petitioner is too limited. Petitioner has omitted critical searching by failing to perform a search in class 434/308+; 369/63, 64; 446/175, 297; 463/42. The text search is too narrow for failing to also include the term "trading card". Finally, nowhere in the search is it apparent that the specific features claimed in every one of claims 1-20, including the specific limitations of each of the *dependent* claims, have been specifically searched. A grantable petition requires the search be directed to the claimed invention and encompass all of the features of all of the claims while giving the claims the broadest reasonable expectation.

Regarding the requirement of section II, elements 6.2 and 6.3, at the onset, it is noted that while the IDSes submitted cites 71 references in total, the Examination Support Document (ESD) only makes reference to 14 of the 71 cited references. If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD. Because the ESD only refers to 14 of the 71 cited references, elements 6.2 and 6.3 are not met. Thus, because the ESD does not refer to references that appear to be admittedly closely related to the subject matter of the claims, elements 6.2 and 6.3 are not met.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all the limitations in the claims that are disclosed by *each reference* specifying where the limitation is disclosed in the cited reference. As explained above, the ESD fails to refer to each reference. Furthermore, the petition does not appear to sufficiently address the dependent claims (claims 2-8 and 10-19) which are, with respect to every or nearly every reference, merely dismissed by indicating the references neither teach nor suggest any of the limitations of all of these dependent claims; in conjunction with the comments on the search above, it is noted that this further raises the question of the sufficiency of the search with respect to the limitations of the dependent claims as petitioner does not appear to have specifically searched these limitations nor does petitioner discuss any of the most closely related art with respect to these. A grantable petition requires an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This analysis should be done for each claim for a grantable petition. That a limitation may be, in petitioner's opinion, lacking from a reference when comparing the reference to an independent claims does not exempt petitioner from the remaining analysis of

what the reference discloses with respect to each claimed limitation in the remaining dependent claims.

Regarding the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how *each* of the claims are patentable over *each* of the references with *particularity* required by 37 CFR 1.111(b) and (c). As explained above, the ESD fails to refer to each reference. Petitioner avers that none of the references teach or suggest certain features of the claims. This discussion of patentability is deficient for several reasons. *Each* claim should be discussed with respect to *each reference* with *particularity* to how each claim is patentable. The petitioner makes these broad statements regarding what "none of the references" teach or suggest with respect to independent claims 1, 9, and 20 but also with respect to dependent claims 2-8 and 10-19 which dependent claims are not discussed in any further detail. This explanation fails to discuss each claim, fails to discuss the claims with respect to each reference, and fails to provide an explanation with particularity as required. As outlined above, all claims must be addressed with at least the same specificity to claim language as is needed to meet the requirement of section II element 6.2 above, and with respect to each cited reference. For reference, a grantable petition must meet the requirements of the practice and such includes a discussion with respect to the claimed subject matter. 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made."

Regarding the requirement of section II, element 6.4, the petition fails to provide a concise statement of the utility of the invention as defined in *each* of the independent claims. Petitioner refers instead to the "invention as claimed" without specifically discussing the utility of the invention in *each independent claim*. It is noted that even were this section of the petition accepted, the petition is still deficient for other reasons detailed above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal

of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Colleen P. Cooke, TC 3700 Special Program Examiner, at (571) 272-1170.

Colleen P. Cooke

Colleen P. Cooke
Special Program Examiner
Technology Center 3700

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Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

APR 01 2008

In re Application of: Ganz, Howard
Serial No.: 11/865,778
Filed: October 2, 2007
Title: SYSTEM AND METHOD FOR TOY ADOPTION MARKETING

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed on March 5, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The request has been treated as a renewed petition to make the above-identified application special and has been viewed as a supplement to and in combination with the original petition which was filed on October 2, 2007 and dismissed in the Office letter of February 5, 2008.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the conditions as outlined in the prior petition decision. The conditions are not repeated herein.

REVIEW OF FACTS

As stated in the decision of February 5, 2008 conditions I: 1-4 and II: 5.1, 5.3, 6.1, 6.5, and 6.6 above were considered to have been met. The petition failed to comply with conditions II: 5.2, 6.2, 6.3, and 6.4. Upon reconsideration, the newly written petition is considered to additionally meet II: 5.2, 6.2, 6.3, and 6.4. However, the newly written petition fails to meet the requirement of section II: 6.5. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DISCUSSION

According to the Application Data Sheet, the instant application claims domestic priority as a continuation of Application 11/027, 271. An amendment to the specification filed on October 17, 2007 corrected the claim for priority from Application 11/027,880 to 11/027,271. It is noted that this preliminary amendment on its own is evidence that at the time of the filing the application was not in condition for examination – thus making the petition eligible for denial at that time. Presently however, the showing of support under 35 U.S.C. 112, 1st paragraph for each application for which the instant application claims priority, referring to Application 11/027,880 is defective (see Examination Support Document, p. 62, paragraph 1). It is also noted that the claim for priority in the specification does not comply with 37 C.F.R. 1.77(b)(2), because it is not listed immediately under the title.

DECISION

For at least failing to meet the requirement of section II: element 6.5, the petition is **DENIED**. The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Colleen P. Cooke, Special Program Examiner, at 571 272-1170.

Ehud Gartenberg

Ehud Gartenberg
Special Program Examiner
Technology Center 3700

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MERCK
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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JUN 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Samuel Chackalamannil et al.	:	
Application No. 11/865,793	:	DECISION ON PETITION
Filed: October 2, 2007	:	
Attorney Docket No. CV06433US01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 8, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 9, 2009. A Notice of Abandonment was mailed on March 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, (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 $1,730 extension of time fee submitted with the petition on March 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 1624 for appropriate action by the Examiner in the normal course of business on the reply received March 19, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

Mail Date: 04/21/2010

Applicant	: Dae-seob KWEON	: DECISION ON REQUEST FOR
Patent Number	: 7643780	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/865,802	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **168** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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In re Application of
Gerald John (Jack) Lipovski

Application No. 11865810

Filed: October 2,2007

Attorney Docket No.

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 16-MAR-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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DARDI & ASSOCIATES, PLLC
220 S. 6TH ST.
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MINNEAPOLIS MN 55402

DEC 20 2007

In re Application of: Galdonick et al. Application No.: 11/865,891 Filed: October 2, 2007 Title: Fiber Based Embolism Protection 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 October 2, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 6, 6.1, 6.3, and 6.4 above are considered to have been met. However, the petition fails to comply with conditions II: 5.1, 5.2, 5.3, 6.2, 6.5 and 6.6 above.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" including pages 1-7; the "accelerated examination support document" comprising pages 1-37, and an Information Disclosure Statement including form PTO/SB/08A(substitute PTO-1449 A), 2 pages.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 606 subclasses 108, 113, 114, 127, 159.

Applicant also failed to comply with the requirements of section II element 5.3, referring to the need of the search to encompass disclosed features that may be claimed. As a non limiting example, the following teaching in the written description, on p. 28, l. 16 et seq., has not been searched:

"For the delivery of a biologically active agent along with the embolism protection device, a guide wire with a hollow core and/or a cannulated syringe can be distributed with the embolism protection device."

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective*

interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.

First, petitioner's submission is not specific enough. Petitioner points out some limitations of some of the claims and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address each limitation and where it is (or state that it is not) found in each closest prior art. As a non-limiting example, in referring to Macoviak, Applicant broadly refers to Figures 1-16 as the location where the alleged limitations are disclosed in the cited prior art. Similarly, when referring to Tsugita, Applicant broadly refers to Figures 1-18 as the location where alleged limitations are disclosed in the cited prior art. Last but not least, Figures 1-19 and 27 are referred to in Rosenbluth, which gives rise to some concern, in view of the apparent similarity between Fig. 11 in the instant application and Fig. 19B in Rosenbluth. Regarding the claimed limitations in the dependent claims, there is no specific one-to-one mapping at all. Applicant is reminded that a proper mapping of limitations and/or identification of elements in a PGPubs, Patent, or non-patent literature should be made by identifying of the appropriate page/column/paragraph, line, and element number identifiable in a figure.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where <u>each limitation</u> of the claims finds <u>specific support</u> (i.e., page and line numbers and element number) under 35 U.S.C. 112, first paragraph, in the written description of the specification, <u>and in each application that the present application claims the benefit of domestic priority.</u> The present petition only identifies figures and portions of text in the instant application only with respect to claim numbers as opposed to the required claim limitations. Applicant failed to comply with this requirement with regard to "parent" applications serial number 10/795,131 and further to provisional application 60/489,044. At the same time, Applicant is claiming domestic priority to said applications in order to disqualify as prior art PGPubs 20070038226 of Galdonik (same inventor as the instant application).

Finally, regarding the requirements of section II element 6.6, the petition does not provide an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

DECISION

For the above-stated reasons, the petition is **<u>dismissed</u>**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828.

Ehud Gartenberg

Ehud Gartenberg
Special Programs Examiner
Technology Center 3700

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MAY 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Seiichi Yamamoto, et al.	:	
Application No.: 11/865,892	:	ON PETITION
Filed: October 2, 2007	:	
Attorney Docket No.: 19415-074001	:	

This is a decision on the petition, filed May 17, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2836 for further processing of the request for continued examination under 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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OFFICE OF PETITIONS

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BRINKS HOFER GILSON & LIONE
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CHICAGO, IL 60610

In re Application of	:	
Tim Haulick et al	:	
Application No. 11/865,930	:	DECISION ON PETITION
Filed: October 2, 2007	:	TO WITHDRAW
Attorney Docket No. 11336-1731 (P06118US)	:	FROM RECORD
	:	

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 all attorneys of record 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

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In re Application of
Leonard T. Lewis

Application No. 11865990

Filed: October 2,2007

Attorney Docket No. 17298US02

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 23-APR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11865990	Confirmation Number	6327	Filing Date	2007-10-02
Attorney Docket Number (optional)	17298US02	Art Unit	1714	Examiner	Not Yet Known
First Named Inventor	Leonard T. Lewis				
Title of Invention	Starch as a Fuel or Fuel Component				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Leonard	T.	Lewis	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Michael B. Harlin/	Date (YYYY-MM-DD)	2008-04-23
Name	Michael B. Harlin	Registration Number	43658

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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OGILVY RENAULT LLP
1, PLACE VILLE MARIE
SUITE 2500
MONTREAL QC H3B 1R1 CA CANADA

MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert Blanchet et al	:	
Application No. 11/865,996	:	DECISION ON PETITION
Filed: October 2, 2007	:	TO WITHDRAW
Attorney Docket No. 18319-1US	:	FROM RECORD
	:	

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 11, 2009.

The request is **APPROVED**.

The request was signed by Isabelle Chabot on behalf of all attorneys of record who are associated with customer No. 020988.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee TECHNIPREX INC. at the first 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: TECHNIPREX INC.
250 Franklin St.
Quebec, Quebec, G1K 2G1 CA

cc: Isabelle Chabot
500 Grande-Allee East, 2nd Floor
Quebec, Quebec, G1R2J7 CA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/865,996	10/02/2007	Robert BLANCHET	18319-1US

CONFIRMATION NO. 6339

POWER OF ATTORNEY NOTICE

OC000000036452458

20988
OGILVY RENAULT LLP
1, Place Ville Marie
SUITE 2500
MONTREAL, QC H3B 1R1
CANADA

Date Mailed: 06/12/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/11/2009.

- 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.

/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
11/865,996	10/02/2007	Robert BLANCHET	18319-1US

CONFIRMATION NO. 6339

POA ACCEPTANCE LETTER

TECHIPREX INC.
250 Franklin St.
Quebec, QC G1K2G1
CANADA

OC000000036452550

Date Mailed: 06/12/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/11/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Joseph V. Tassone, Esq.
DAYCO PRODUCTS. LLC
1 Prestige Place
Miamisburg OH 45342

COPY MAILED

NOV 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Goldin, et al.	:	DECISION GRANTING STATUS
Application No. 11/866,019	:	UNDER 37 CFR 1.47(a)
Filed: October 2, 2007	:	
Attorney Docket No. 05-14	:	

This is in response to the petition under 37 CFR 1.47(a), filed October 2, 2007.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Deborah Rapelje, has refused to join in the filing of the above-identified application.

Pursuant to petitioner's authorization, deposit account no. 04-0375 will be charged the required $200.00 Rule 47 petition fee.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

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
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www.uspto.gov

DEBORAH RAPELJE
2168 ROSALIND
GRAYLING, MI 49738

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NOV 13 2007
OFFICE OF PETITIONS

In re Application of
Goldin, et al.
Application No. 11/866,019
Filed: October 2, 2007
Attorney Docket No. 05-14

LETTER

Dear Ms. Rapelje:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: Joseph V. Tassone, Esq.
DAYCO PRODUCTS. LLC
1 Prestige Place
Miamisburg OH 45342

UNITED STATES PATENT AND TRADEMARK OFFICE

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Joseph V. Tassone, Esq.
DAYCO PRODUCTS. LLC
1 Prestige Place
Miamisburg, OH 45342

Mail Date: 05/24/2010

Applicant	: Iliya Goldin	: DECISION ON REQUEST FOR
Patent Number	: 7624715	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/866,019	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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BORDEN LADNER GERVAIS LLP
Anne Kinsman
WORLD EXCHANGE PLAZA
100 QUEEN STREET SUITE 1100
OTTAWA, ON K1P 1J9
CANADA

Mail Date: 04/20/2010

Applicant	: HakJune OH	: DECISION ON REQUEST FOR
Patent Number	: 7639039	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/866,035	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **62** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

JUL 15 2009

OBLON, SPIVAK, McCLELLAND MAIER &
NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re application of	:	DECISION ON REQUEST TO
TAKAHIRO YOSHIMURA	:	PARTICIPATE IN PATENT
Application No. 11/866,037	:	PROSECUTION HIGHWAY
Filed: October 2, 2007	:	PROGRAM AND PETITION
For: VEHICULAR POWER	:	TO MAKE SPECIAL UNDER
TRANSMISSION DEVICE	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 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 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).

In light of the preliminary amendment and IDS filed concurrently with the petition and the IDS filed October 2, 2007, the petition and request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 07/14/2009

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NEAL, GERBER, & EISENBERG
SUITE 2200
2 NORTH LASALLE STREET
CHICAGO IL 60602

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FEB 28 2008

In re Application of	:
Frank F. Schmeyer	:
Application No.: 11/866,069	: ON PETITION
Filed: May 15, 2007	:
Attorney Docket No: 15328.01US4	:

This is a decision on the "Petition to Correct Filing Date" filed December 19, 2007, requesting that the above-identified application be accorded a filing date of May 15, 2007.

The petition is **granted**.

It is noted that subject application is a continuation of non-provisional application 09/802,082. A review of the application file history of application serial number 09/802,082 reveals that the application became abandoned for failure to file a timely response to a final Office action mailed November 2, 2006. A petition under 37 CFR 1.137(b) was filed in the application 09/802,082 on May 15, 2007, wherein the response required by 37 CFR 1.137(b) was a continuation application. The continuation application was accorded an application serial number and filing date until October 2, 2007, after petitioner filed a request for recognition of the same. Petitioner now files the instant petition to accord the continuing application—which has since been accorded an application serial number of 11/866,069—a filing date of May 15, 2007, as that was date the continuing application was received by the UPSTO.

A review of the application file history of application 09/802,082 does reveal a continuing application filed with the petition under 37 CFR 1.137(b) on May 15, 2007. The application papers filed on that date included a specification, claims, abstract, and drawings sufficient to accord the continuing application a filing date of May 15, 2007. The evidence is convincing that continuing application 11/866,069 is entitled to a filing date of May 15, 2007. The petition is granted, accordingly.

The application file will be directed to the Office of Patent Application Processing with a filing date of **May 15, 2007**. The Office of Patent Application Processing will issue a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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HISCOCK & BARCLAY, LLP
2000 HSBC PLAZA
100 Chestnut Street
ROCHESTER, NY 14604-2404

Mail Date: 06/11/2010

Applicant	: Jun Zeng	: DECISION ON REQUEST FOR
Patent Number	: 7633102	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/866,072	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **10** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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VARIAN SEMICONDUCTOR EQUIPMENT ASSC., INC.
35 DORY RD.
GLOUCESTER, MA 01930-2297

Mail Date: 04/23/2010

Applicant	: Jonathan Gerald England	: DECISION ON REQUEST FOR
Patent Number	: 7622722	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/866,099	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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

OFFICE OF DATA MANAGEMENT

HITT GAINES, PC
ALCATEL-LUCENT
PO BOX 832570
RICHARDSON, TX 75083

NOV 13 2008

In re Application of :
AKSYUK, VLADIMIR et al
Application No. 11/866,154 : DECISION ON PETITION
Filed: October 2, 2007
Attorney Docket No. AKSYUK -52-29-20

This is a decision on the Request To Withdraw Holding Abandonment received in the United States Patent and Trademark Office (USPTO) November 4, 2008 which is being treated as a Petition To Withdraw Holding Of Abandonment for the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely pay the issue fee as required by the Notice of Allowance and Fee(s) Due, mailed May 2, 2008 which set forth a three (3) month statutory period for reply. Accordingly, the Notice of Abandonment was mailed on September 15, 2008.

The petitioner has demonstrated that the Fee Transmittal was timely faxed July 28, 2008.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

The Office acknowledges receipt of the Credit Card Payment in the amount of $1740.00--- $1440.00 Issue Fee, $300.00 for Publication.

Telephone inquires concerning this decision be directed to the undersigned in the Office of Patent Publication at 703-305-9250 x 154.

Anita Greene
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Weissmanet al.	:	
Application No.: 11/866184	:	DECISION ON
Filing or 371(c) Date: 10/02/2007	:	PETITION
Attorney Docket Number: 021735-003210US	:	

This is a decision in response to the "Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a)," filed February 11, 2009.

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 nonfinal Office action, mailed June 19, 2008. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on September 20, 2008. A Notice of Abandonment was mailed January 9, 2009.

The present petition

Applicant files the present petition and asserts that the Office action was not received. Applicant attests to a search of the file jacket and docket records and the search indicates that the Office action was not received. Applicant files a copy of a status record where the nonreceived Office action would have appeared had it been received.

A Grantable Petition Under 37 CFR 1.137(a)

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: **(1)** the required reply (unless previously filed), which may met by the filing of

a notice of appeal and the requisite fee; a continuing application; an amendment or request for reconsideration which *prima facie* places the application in condition for allowance, or a first or second submission under 37 CFR 1.129(a) if the application has been pending for at least two years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 USC 120, 121 and 365(c); **(2)** the petition fee as set forth in 37 CFR 1.17(l); **(3)** a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and **(4)** any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). Applicant lacks item **(3)**.

As to item **(3)**, a showing of non-receipt of an Office communication may form the basis for revival of an application based upon unavoidable delay.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, provides in relevant part:

> The showing required to establish nonreceipt of an Office communication must include
>
> (1) a statement from the practitioner stating that the Office communication was not received by the practitioner at the correspondence address of record. 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.
>
> (2) a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
>
> (3) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. 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.

MPEP 711.03(c)

Analysis and conclusion

Regrettably, the petition is not grantable at this time. Applicant has failed to demonstrate that the office action was not received. In addition to the statement from practitioner attesting to non-receipt of the Notice, Applicant must provide a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received, and a copy of the file jacket and docket records where the nonreceived Notice would have been entered had it been received and docketed. As stated above, 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 is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of docket records and file jacket.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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MAY 08 2009

OFFICE OF PETITIONS

In re Application of	:	
Weissmanet al.	:	
Application No.: 11/866184	:	DECISION ON
Filing or 371(c) Date: 10/02/2007	:	PETITION
Attorney Docket Number: 021735-003210US	:	

This is a decision in response to the "Request for Reconsideration of Decision on Petition," filed April 17 2009. The Request for Reconsideration is properly treated under 37 CFR 1.137(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the nonfinal Office action, mailed June 19, 2008. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on September 20, 2008. A Notice of Abandonment was mailed January 9, 2009.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of an Amendment; (2) the petition fee; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

The application will be referred to Technology Center Art Unit 2161 for processing of the reply filed February 11, 2009 in the normal course of business.

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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500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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SEP 23 2008
OFFICE OF PETITIONS

In re Application of	:	
Colin Fong et al.	:	DECISION REFUSING STATUS
Application No. 11/866,198	:	UNDER 37 CFR 1.47(a)
Filed: October 2, 2007	:	
Attorney Docket No. 19059US01 (P00583)	:	

This is in response to the request filed February 5, 2008 to waive the signature requirement of a deceased inventor, that is being treated as a petition under 37 CFR 1.47(a) to accept the instant application notwithstanding the absence of the signature of the deceased inventor.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition lacks items (1) and (2) listed above.

As to item (1), applicants have failed to establish either that the legal representative of the deceased inventor has refused to join in the filing of the above-identified application or that he cannot be reached. As an initial matter, the statute, 35 U.S.C. § 117, provides that the legal representative of a deceased inventor may make an application for patent. If the legal representative cannot be reached or refused to join in the filing of the application, 35 U.S.C. §

116 (where there is a joint inventors) applies. *See* Manual of Patent Examining Procedure (MPEP), Section 409.01(a). 37 CFR § 1.42 provides that 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. There is no provision for a legal representative that cannot be identified. Normally, a widow or widower of a deceased inventor is the legal representative of the deceased inventor. Applicants should check with an attorney knowledgeable in estate laws in the relevant jurisdiction.

The application may be made by the heirs of the inventor; as such, if there is no will or the will did not appoint an executor and if accompanied by a certificate from the court that they are all the heirs and that the estate was under the sum required by state law for the appointment of an administrator. Petitioner should provide a copy of the decedent's will, or a legal memorandum signed by an attorney familiar with the law of the jurisdiction involved to demonstrate that the persons signing the declaration on behalf of the deceased inventor are all the heirs of the deceased inventor and are authorized to act on behalf of the deceased inventor. A copy of any statute or court decision relied upon should be made of record. *See* MPEP § 409.01(a).

35 U.S.C. § 117 provides that a legal representative may file a patent application on behalf of a deceased inventor and if the legal representative has refused to join in the application, 35 U.S.C. § 116 and 37 CFR 1.47(a) permit filing of the application on behalf of the legal representative. Furthermore, before an heir or legal representative can refuse to sign an oath or declaration, he must have been presented with a copy of the application papers (specification, claims and drawings). *See* MPEP § 409.03(d). Petitioner should show that a copy of the application papers was presented to the heir or legal representative, but that they either refused or did not respond to the request that they sign the oath/declaration in order to show that the legal representative(s) has refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events. If there is a written refusal, petitioner should provide a copy of the written refusal. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

As stated in Manual of Patent Examining Procedure, Section 409.03(c):

> 37 CFR 1.47 should not be considered an alternative to 37 CFR 1.42 or 35 U.S.C. 117 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor. In re Application Papers Filed September 10, 1954, 108 USPQ 340 (Comm'r Pat. 1955).

As to item (2), the declaration, filed February 5, 2008, does not comply with 37 CFR 1.63 and 1.64 since the name of the legal representative for deceased inventor Steven Johnson is not set forth on the declaration. Accordingly, a new declaration, which is signed by the remaining inventors and sets forth the name of the deceased inventor, as well as the name, residence and citizenship of the legal representative of the deceased inventor, is **REQUIRED**. *See* MPEP § 409.03(a).

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 Window, Mail Stop PETITIONS
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

A petition under 37 CFR 1.47(a) requires a fee of $200 under 37 CFR 1.17(g) and has been charged to the Deposit Account 13-0017, as authorized in the instant petition. The file records at the Office do not show the "attached amendment", referenced in connection with applicants' request (on page 3 of the instant petition) for correction of the original naming of the inventors.

Telephone inquiries should be directed to Ramesh Krishnamurthy at (571) 272-4914.

David Bucci
Petitions Examiner
Office of Petitions

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JUN 2 6 2009

OFFICE OF PETITIONS

In re Application of Colin Fong et al. Application No. 11/866,198 Filed: October 2, 2007 Attorney Docket No. 19059US01 (P00583)	DECISION NOTING JOINDER OF INVENTOR AND PETITION UNDER 37 CFR 1.47(a)

Papers filed on December 23, 2008, and supplemented on May 18, 2009, in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed September 23, 2008, included a Declaration filed May 18, 2009, signed by legal representatives of the deceased inventor, Stephen Johnson, in compliance with 37 CFR 1.63 and 37 CFR 1.42.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to Technology Center GAU 3714 for further processing.

Telephone inquiries should be directed to Ramesh Krishnamurthy at (571) 272-4914.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT &
DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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AUG 28 2008

In re Application of :
Yoshihiro Gohara et al. :
Application No. 11/866,204 : ON PETITION
Filed: October 2, 2007 :
Attorney Docket No. **10520.0002** :

This is a decision on the petition filed July 28, 2008, to withdraw the holding of abandonment. The petition is being treated under 37 CFR 1.181(b) in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned December 27, 2007 for failure to file a timely response to the Notice to File Missing Parts mailed October 25, 2007. Accordingly, a Notice of Abandonment was mailed July 1, 2008.

The file record discloses that the Notice to File Missing Parts was mailed to the address of record, the same address to which the Notice of Abandonment was mailed. However, petitioner contends that the Notice to File Missing Parts was not received. In support, petitioner indicates that a search of the file jacket and the docket records revealed that the Notice was not received and submits copies of pages from docket records, wherein receipt of the Notice would have been entered, had it been received to substantiate the claim. The statement and attachments corroborate non-receipt of the Notice to File Missing Parts.

In view of the facts set forth in the petition, it is concluded that the Notice to File Missing Parts was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged.

This matter is being referred to the Office of Patent Application Processing for a re-mailing of the Notice to File Missing Parts.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OCT 19 2007

OFFICE OF PETITIONS

HARVEY LUNENFELD
8 PATRICIAN DRIVE
E. NORTHPORT, NV 11731

In re Application of	:	
Harvey Lunenfeld	:	
Application No. 11/866,207	:	DECISION ON PETITION
Filed: October 2, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 2, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a 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.

Upon completion of the pre-examination processing by the Office of Initial Patent Examining, this application will be referred to Technology Center Art Unit 2161 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

PERMAN & GREEN
425 POST ROAD
FAIRFIELD CT 06824

In re Application of	:	
Simons, et al.	:	
Application No. 11/866,255	:	ON PETITION
Filed: October 2, 2007	:	
Attorney Docket No.	:	
YOR200210011/950-011074		

This is a decision on the petition to revive under 37 CFR 1.137(b), filed May 15, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts of Nonprovisional Application, mailed October 17, 2007. This Notice set an extendable period for reply of two (2) months for applicant to submit the statutory basic filing fee, surcharge for its late filing, as well as the examination and search fees. No reply having been received, the application became abandoned on December 18, 2007. The Office mailed a Notice of Abandonment on June 19, 2008.

With the instant petition, applicants have paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of the statutory basic filing fee, surcharge, examination and search fees.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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SUITE 300
BOULDER CO 80301

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FEB 04 2009

OFFICE OF PETITIONS

Applicant: Vock et al.
Appl. No.: 11/866,269
Filing Date: October 2, 2007
Title: PRODUCT INTEGRITY TRACKING SHIPPING LABEL, SYSTEM AND ASSOCIATED METHOD
Attorney Docket No.: 472879
Pub. No.: US 2008/0030330 A1
Pub. Date: February 7, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 7, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the last page of the specification, wherein "9:10 AM, Monday" appears as "9:10 uM, Monday".

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected or revised patent application publication other than as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in the notation of "AM" noted by requestor in the specification is not a material Office error under 37 CFR 1.221. The surrounding sentences allow the public to understand the intended meaning. The material mistake does 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] 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 are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

DATE 11/1/2007 APPLICATION NUMBER 11/866287

DOC CODE PETDEC DOC DATE 11/2/2007

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/866,287	10/02/2007	Alexey V. Monastyrsky	608122/00005	6861

29858 7590 11/02/2007
THELEN REID BROWN RAYSMAN & STEINER LLP
PO BOX 1510
NEW YORK, NY 10150-1510

EXAMINER
MOISE, EMMANUEL LIONEL

ART UNIT	PAPER NUMBER
2137	

MAIL DATE	DELIVERY MODE
11/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Michael Fainberg
Thelen Reid Brown Raysman & Steiner LLP
P.O. Box 1510
New York, NY 10150-1510

In re Application of: Alexey Monstryrsky et al. Serial No.: 11/866,287 Filed: October 2, 2007 Docket: 608122/00005 Title: **System and Method for Detecting Multi-Component Malware**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on October 2, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I 1-4, II 1-4 and II 5-5.1, II 6.1, and 6.3--6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2 –5.3 and II 6.2 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H) and items 5.2 & 5.3 above, the pre-exam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the claims. The pre examination search statement in the USPTO databases searched section alludes that all of class 713 and 726 have been searched. The remaining section of search statement ands various terms with those two classes. The below analysis is based on the assumption that all 40,000 documents in the entirety of these two classes were not searched in a classified search. If this is error please clarify your pre examination search statement to indicate so. Based upon the claimed emulation technique for detecting malicious behavior of a computer program subject matter of the instant application, a search in the following classes and subclasses are necessary in order to provide full coverage of where the most pertinent references are most likely to be found: In class 726, the information security class the following monitoring of software subs: 726/22 and 24, in class 703, the modeling simulation and emulation class the following instruction emulation subclasses 703/26, in class 717, the software development, installation and management class the following emulation subclasses 717/134 & 138 and in class 714, the error detection class the following error detecting subclasses 714/38, 738, 741 & 742. It appears that the text search queries of the patent databases were limited to the classes listed in the pre-examination search statement, which would limit the search too much. It appears that the text search queries of the patent databases were often limited to just the abstract or specification fields, which would limit the search too much. In addition the submitted text search logic for both patent and non-patent databases failed to cover a reasonable number of terms in the emulation art. Honeypot, Honey pot, sandbox and sand box terms need to be incorporated into the text search strategy.

This additional search area and search logic was confirmed with (and recommended by) a Primary examiner in the pertinent art area.

With regard to the requirement of MPEP § 708.02(a)(I)(2) and item 6.2 above, Petitioners identification of limitations in the independent claims is proper however none of the dependent claims have been discussed. Petitioner must provide a detailed discussion of each of the identified references, identifying subject matter by way of figure, page, column and line numbers, as appropriate, as they pertain to ALL of the claim limitations of the instant application.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612.

Tod Swann, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/866,287	10/02/2007	Alexey V. Monastyrsky	608122/00005	6861

29858 7590 01/07/2008
THELEN REID BROWN RAYSMAN & STEINER LLP
PO BOX 1510
NEW YORK, NY 10150-1510

EXAMINER
DAVIS, ZACHARY A

ART UNIT	PAPER NUMBER
2137	

MAIL DATE	DELIVERY MODE
01/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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WASHINGTON, DC 20231
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Michael Fainberg
Thelen Reid Brown Raysman & Steiner LLP
P.O Box 1510
New York, NY 10022

In re Application of: Monstryrsky et al. Serial No.: 11/866,287 Filed: October 2, 2007 Docket: 608122/0000 Title: **System and Method for Detecting Multi-Component Malware**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on December 3, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on October 2, 2007 was dismissed in the decision mailed on November 2, 2007.

The original petition was dismissed as the search was not proper and the discussion of what is taught by the references did not cover all of the pending claims. The renewed petition to make the application special is **DENIED** as the supplemental search along with the original search fails to meet the requirements of conditions II 5.2 and II 5.3.

Upon reconsideration of the original discussion of what the references teach along with the supplemental submission the totality now does cover all pending claims and therefore complies with II 6.2.

The supplemental search taken with the original search still fails to meet the requirements of the classified search nor the requirements for the text search for the following reasons. The classified search failed to include all of the required subclasses. Class 714 the error detection class subclasses 738 and 741 still have not been searched. The text search queries are still limited by the classified search and to just the specification field. Such a search strategy unduly limits the results.

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 Tod Swann, Quality Assurance Specialist, at (571) 272-3612.

Tod R Swann
Quality Assurance Specialist
Technology Center 2100
Computer Security, Architecture and Software

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/866,302	10/02/2007	Andrey Sobko	608122/00006	6889

29858 7590 11/02/2007
THELEN REID BROWN RAYSMAN & STEINER LLP
PO BOX 1510
NEW YORK, NY 10150-1510

EXAMINER
MOISE, EMMANUEL LIONEL

ART UNIT	PAPER NUMBER
2137	

MAIL DATE	DELIVERY MODE
11/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Michael Fainberg
Thelen Reid Brown Raysman & Steiner LLP
P.O. Box 1510
New York, NY 10150-1510

In re Application of: Andrey Sobko et al. Serial No.: 11/866,302 Filed: October 2, 2007 Docket: 608122/00006 Title: **System and Method for Detecting Multi-Component Malware**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on October 2, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I 1-4, II 1-4 and II 5-5.1, II 6.1, and 6.3--6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2 –5.3 and II 6.2 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H) and items 5.2 & 5.3 above, the pre-exam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the claims. The pre examination search statement in the USPTO databases searched section alludes that all of class 713 and 726 have been searched. The remaining section of search statement ands various terms with those two classes. The below analysis is based on the assumption that all 40,000 documents in the entirety of these two classes were not searched in a classified search. If this is error please clarify your pre examination search statement to indicate so. Based upon the claimed emulation technique for detecting malicious behavior of a computer program subject matter of the instant application, a search in the following classes and subclasses are necessary in order to provide full coverage of where the most pertinent references are most likely to be found: In class 726, the information security class the following monitoring of software subs: 726/22 and 24, in class 703, the modeling simulation and emulation class the following instruction emulation subclasses 703/26, in class 717, the software development, installation and management class the following emulation subclasses 717/134 & 138 and in class 714, the error detection class the following error detecting subclasses 714/38, 738, 741 & 742. It appears that the text search queries of the patent databases were limited to the classes listed in the pre-examination search statement, which would limit the search too much. It appears that the text search queries of the patent databases were often limited to just the abstract or specification fields, which would limit the search too much. In addition the submitted text search logic for both patent and non-patent databases failed to cover a reasonable number of terms in the emulation art. Honeypot, Honey pot, sandbox and sand box terms need to be incorporated into the text search strategy.

This additional search area and search logic was confirmed with (and recommended by) a Primary examiner in the pertinent art area.

With regard to the requirement of MPEP § 708.02(a)(I)(2) and item 6.2 above, Petitioners identification of limitations in the independent claims is proper however none of the dependent claims have been discussed. Petitioner must provide a detailed discussion of each of the identified references, identifying subject matter by way of figure, page, column and line numbers, as appropriate, as they pertain to ALL of the claim limitations of the instant application.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612.

Tod Swann, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/866,302	10/02/2007	Andrey Sobko	608122/00006	6889

29858 7590 01/07/2008
THELEN REID BROWN RAYSMAN & STEINER LLP
PO BOX 1510
NEW YORK, NY 10150-1510

EXAMINER
DAVIS, ZACHARY A

ART UNIT	PAPER NUMBER
2137	

MAIL DATE	DELIVERY MODE
01/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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WASHINGTON, DC 20231
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Michael Fainberg
Thelen Reid Brown Raysman & Steiner LLP
P.O Box 1510
New York, NY 10022

In re Application of:
Sobko et al.
Serial No.: 11/866,302
Filed: October 2, 2007
Docket: 608122/00006
Title: **System and Method for Detecting Multi-Component Malware**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on December 3, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on October 2, 2007 was dismissed in the decision mailed on November 2, 2007.

The original petition was dismissed as the search was not proper and the discussion of what is taught by the references did not cover all of the pending claims. The renewed petition to make the application special is **DENIED** as the supplemental search along with the original search fails to meet the requirements of conditions II 5.2 and II 5.3.

Upon reconsideration of the original discussion of what the references teach along with the supplemental submission the totality now does cover all pending claims and therefore complies with II 6.2.

The supplemental search taken with the original search still fails to meet the requirements of the classified search nor the requirements for the text search for the following reasons. The classified search failed to include all of the required subclasses. Class 714 the error detection class subclasses 738 and 741 still have not been searched. The text search queries are still limited by the classified search and to just the specification field. Such a search strategy unduly limits the results.

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 Tod Swann, Quality Assurance Specialist, at (571) 272-3612.

Tod R Swann
Quality Assurance Specialist
Technology Center 2100
Computer Security, Architecture and Software

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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MAR 17 2008

In re Application of	:	
WINSLOW, Charles J. et al.	:	
Application No. 11/866,309	:	DECISION ON PETITION
Filed: October 02, 2007	:	TO WITHDRAW
Attorney Docket No. **5910-230**	:	FROM RECORD
	:	

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 **NOT APPROVED** 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 17, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **COATS & BENNETT/MEDTRONICS**
1400 CRESCENT GREEN
SUITE 300
CARY, NC 27518

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Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

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MAY 19 2008

In re Application of	:	
Charles Winslow et al.	:	
Application No. 11/866,325	:	DECISION ON PETITION
Filed: October 2, 2007	:	TO WITHDRAW
Attorney Docket No. 019433A-003630US	:	FROM RECORD
	:	

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 **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Mark D. Barrish and all attorneys/agents associated with customer number 20350 has been revoked by the assignee of the patent application on December 17, 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 Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Coats &.Bennett/Medtronics
1400 Crescent Green
Suite 300
Cary, NC 27518

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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
Memphis, TN 38132

Mail Date: 04/21/2010

Applicant	: Charles J. Winslow	: DECISION ON REQUEST FOR
Patent Number	: 7588592	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/866,325	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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MITCHELL P. BROOK
LUCE, FORWARD, HAMILTON
& SCRIPPS LLP
11988 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130

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OFFICE OF PETITIONS

In re Application of	:	
Daniel R. BURNETT, et al	:	
Application No. 11/866,329	:	DECISION ON PETITION
Filed: October 2, 2007	:	TO WITHDRAW
Attorney Docket No. 35196-1020	:	FROM RECORD
	:	

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 14, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Franco A. Serafini on behalf of the attorneys of record associated with Customer No.35023.

The attorneys of record associated with Customer No. 35023 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: DANIEL R. BURNETT
280 SUSSEX
SAN FRANCISCO, CA 94131

cc: CHRISTOPHER HERMANSON, M.D.
49 WESTDALE DRIVE
SANTA CRUZ, CA 95060

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CONLEY ROSE, P.C.
David A. Rose
P.O. BOX 3267
HOUSTON, TX 77253-3267

Mail Date: 06/02/2010

Applicant	: Carl M. Hoffmaster	: DECISION ON REQUEST FOR
Patent Number	: 7621348	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/866,333	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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POLSINELLI SHUGHART PC
700 West 47th Street
Suite 1000
KANSAS CITY MO 6411

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OFFICE OF PETITIONS

In re Application of :
Porter, et al. :
Application No. 11/866,347 : DECISION ON PETITION
Filed: October 2, 2007 :
Attorney Docket No. MIL228/122228 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 7, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned June 12, 2009 for failure to timely submit a proper reply to the non-final office action mailed March 11, 2009. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed November 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply to the non-final Office action, (2) the required petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

This application is being referred to Technology Center AU 2833for appropriate action by the Examiner in the normal course of business on the reply received herewith.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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ARLINGTON VA 22203

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JUN 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Brekelmans, et al.	:	
Application No. 11/866,433	:	DECISION REFUSING STATUS
Filed: October 3, 2007	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. RWF_723-2217	:	

This is in response to the petition under 37 CFR 1.47, filed May 22, 2008, which is being treated as a petition under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy item (1).

As to item (1), the petition and accompanying evidence have been carefully considered. However, it has not been demonstrated that DuGray has refused to sign the declaration. The cover letter transmitting the declaration and application papers is dated the same date as the filing date of the petition. Accordingly, petitioner will need to give DuGray a reasonable period of time to review the papers. If after such period, no response from DuGray is received, petitioner may file a renewed petition (no additional fee required) and state such for the record. Similarly, if the papers are returned as undeliverable, petitioner should state this on renewed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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JUL 30 2008

NIXON & VANDERHYE PC
901 NORTH GLEBE ROAD 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
Brekelmans, et al.	:	
Application No. 11/866,433	:	DECISION ACCORDING STATUS
Filed: October 3, 2007	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. RWF_723-2217	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 3, 2008.

The petition under 37 CFR 1.47(a) is **GRANTED**.

On renewed petition, petitioner has stated that the application papers mailed to non-signing inventor DuGray on May 22, 2008 were returned as undeliverable. In support thereof, petitioner has included a copy of the Federal Express tracking page. Petitioner previously provided information as to what steps were taken to locate DuGray, with the petitioner filed May 22, 2008. In view thereof, the petition is granted.

While petitioner did not provide a statement of the last known address of DuGray, that address is presumed to be the one listed on the Application Data Sheet submitted on filing. If this is not correct, petitioner should so notify the Office.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CAREY DUGRAY
1128 HOMER ST
3RD FLOOR
VANCOUVER BC
V6B 2X6 CANADA

In re Application of
Steven Brekelmans, Travis Brown-John,
Carey DuGray, Dwight Tomalty
Application No. 11/866,433
Filed: October 3, 2007
Title: Sports Video Game with Enhanced Control Features

LETTER

Dear Mr. DuGray:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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TRASKBRITT, PC
P.O. Box 2550
Salt Lake City, UT 84110

Mail Date: 04/21/2010

Applicant	: Matthew L. Nilles	: DECISION ON REQUEST FOR
Patent Number	: 7608266	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/866,474	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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DIW Jun-08

MILLER, MATTHIAS & HULL
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO IL 60606

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JUN 13 2008

OFFICE OF PETITIONS

In re Application of	:
Thibout, Robineau, Audren, and	: DECISION ACCORDING STATUS
Aragones	: UNDER 37 CFR 1.47(a)
Application Number: 11/866479	:
Filing Date: 10/03/2007	:
Attorney Docket Number:	:
28944/50091	:

This is in response to the petition under 37 CFR 1.47(a) filed on May 1, 2008.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Jacques Robineau, 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 provided a copy of the cover letter transmitting a copy of the application to the last known address of the non-signing inventor.[1] The non-signing inventor failed to sign and return the declaration naming him as a joint inventor along with Additionally, several telephone calls were made to the non-signing inventor, but the non-signing inventor failed to sign and return the declaration naming him as a joint inventor along with Florent Thibout, Jean-Thierry Audren, and Julien Aragones.

As such, the showing of record is that the non-signing inventor has constructively refused to join in the filing of the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

[1] While the letter sent January 3, 2008, does not specifically state that a copy of the application papers is enclosed therewith, the letter sent on April 7, 2008, to the non-signing inventor states that a copy of the subject application for patent is enclosed therewith.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition, 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.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Jun-08

Jacques Robineau
21 chemin des Vallees
91620 LA VILLE DU BOIS
FRANCE

COPY MAILED

JUN 1 3 2008

OFFICE OF PETITIONS

In re Application of
Thibout et al.
Application No. 11/866,479
Filed: October 3, 2007
For: PIEZOELECTRIC-MOTOR-DRIVEN TWO-AXIS ORIENTATION TURRET

Dear Mr. Robineau:

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

MILLER, MATTHIS & HULL
ONE NORTH FRANKLIN STREET
SUITE 2350
CHICAGO IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/866,540	10/03/2007	Christopher James Massam	4502-1085-1	7336

22045 7590 11/05/2007
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
11/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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11/02/2007

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of:
Christopher James MASSAM, ET AL.
Serial No.: 11866540
Filed: October 03, 2007
Docket: 4502-1085-1
Title: **NETWORK DEVICE CONFIGURATION**

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 Oct 03, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1 to II.4 above are considered to have been met. However, the petition fails to comply with conditions II.5 and II.6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

A first observation of the Petition to Make Special Under Accelerated Examination Program (form PTO/SB/28 (04-07)), the application number on this request is indicated as 10/540,328 which is different the application number of the instant application. Clarification is required.

Regarding the requirement of MPEP § 708.02(a)(I.)(H) and items II.5, 5.1 and 5.2 above, the pre-examination search must be directed to the (instant) claimed invention and encompass all of the features of the claims, giving the claim the broadest reasonable interpretation.

In particular, with respect to items 5 and 5.1 above, for database searches, the search logic used as a query, the name of the file(s) searched and the database service is required. Petitioner indicates a "US Field of Search" in Class 708, subs 719,720,721 and Class 717, subs 172,173,177,178. However, it is noted that class 708, subs 719,720,721 do not appear in any of the search queries documented under the "USPTO" search on pages 2-3 of the search document. Clarification is required.

With respect to item 5.2 above, claims limitations of some of which have been identified as patentable feature distinguishing from the cited prior art (such as "operating software ... no configuration data", "remotely programmable with configuration data ... has no ... incremental changes of configuration data" "incremental change" in claim 1; "remote verification authority", "authorize retrieval" "remote configuration authority" in claims 3, 4, and 9; "encryption", "input filter", "key" of claims 5, 6, 13, and 14; "intruder ... alter a critical part of the setup", "total inability ... complete configuration record from ... safe source") or any search terms covering these limitations do not appear to have been included in the search. Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure the search covered these concepts, and update the search and/or provide any clarification if deemed necessary. Based upon the claimed subject matter of the instant application, a search in the following classes and subclasses is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: class 710 subclass 8, 10, 104 (system/peripheral configuration initialization) and class 713 subclass 100, 164-175, 182-187 (to cover the subject matter cited in claims 4-5 and 9). This additional search area was confirmed with a Primary examiner in the pertinent art area (Class 710).

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and items 6.2 and 6.3 above, while the IDS lists a total of 26 references, but section 9(B) of the Accelerated Examination support Document only provides a discussion of 24 references. Further, the discussion of each the 24 references does not specifically identify each claim limitation discussed in each of the references, only paraphrases claim language and/or discusses disclosure of the reference without specifically identifying corresponding claim limitations as recited in the instant claims. Applicant must provide a discussion of pertinent subject matter disclosed in ***each of the references most closely related to the claimed invention (i.e. each reference cited in the IDS)***, a claim-by-claim

mapping of the pertinent subject matter disclosed in each of the references, specifically identifying each claim limitation and corresponding disclosure within the reference, citing to specific relevant portions of each reference. Examples can be found on USPTO website, using the link http://www.uspto.gov/web/patents/accelerated/ and clicking on "Sample Accelerated Examination Support Document". In addition, petitioner should review the Detailed Explanation of Patentability section in view of changes and clarifications added to section 9(B) and provide clarifications, if deemed necessary, to ensure compliance with the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.3 above.

Further, regarding item 6.3 above, the statement of patentability does not provide a detailed explanation of how each of the claims are patentable with the particularity required by 37 CFR 1.111(b) and (c). Specifically, petitioner does not point out any claim limitations believed to patentably distinguishing claimed invention from the cited references. An explanation furthermore needs to be made to specify whether the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. The USPTO website has an example of the proper manner of documenting limitations taught by cited art for an Accelerated Examination Support Document at: http://www.uspto.gov/web/patents/accelerated/.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(4) and item 6.4 above, the concise statement of the utility ***must be of the invention as defined in each of the independent claims*** (reference must be made to independent claims 1 and 9). It is noted that the statement of utility provided in the Accelerated Examination support Document appears to be relevant to the subject matter of claim 9.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, the Accelerated Examination Support Document only identifies specific figures and portions of text in the specification as providing support under 35 U.S.C. 112, First paragraph, but fails to identify ***each claim limitations and the corresponding support in the cited portions*** of specification. Clarification and identification of support is required. Similar clarification and identification of support is required for each claim limitation in copending Application serial No. 10/540,328, from which the instant application claims benefit under 35 U.S.C. 120.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kim Huynh, Special Program Examiner, at (571) 272-4147.

Mano Padmanabhan
for

Kim Huynh, Special Program Examiner
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/866,540	10/03/2007	Christopher James Massam	4502-1085-1	7336

22045 7590 01/07/2008
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

EXAMINER
CARDONE, JASON D

ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
01/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of:
Christopher James MASSAM, ET AL.
Serial No.: 11/866,540
Filed: October 03, 2007
Docket: 4502-1085-1
Title: **NETWORK DEVICE CONFIGURATION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

A decision dismissing the petition to make the above-identified application special for accelerated examination was mailed on November 05, 2007. The decision set a non-extendable time period of one month or 30 (thirty) days, whichever is longer, from its mailing date to correct the deficiency/deficiencies in the petition.

As of December 05, 2007, the expiry of the period set, neither a reply nor a renewed petition was received. Accordingly, the application is no longer eligible for the accelerated examination program.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-4147.

Kim Huynh,
Quality Assurance Specialist
Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

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RANBAXY INC.
INTELLECTUAL PROPERTY DEPARTMENT
600 COLLEGE ROAD EAST
PRINCETON, NJ 08540

MAILED

APR 20 2010

OFFICE OF PETITIONS

Applicants: Verma, et al.
Appl. No.: 11/866,542
Filing Date: October 3, 2007
Title: MONOSACCHARIDE DERIVATIVES
Attorney Docket: RLL-925US
Pub. No.: US 2009/0300196 A1
Pub. Date: December 4, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 8, 2009, for the above-identified application.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected or revised patent application publication other than as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The errors in the Formulas noted by requestor in the specification are not material Office errors under 37 CFR 1.221. With respect to the first error, the text was not printed correctly due to the quality of the text. The error noted by requestor in the formula notation, in this published application is due to the quality of the text, as the text is small and unclear. Additionally, most of the text (the subscripts) is not clear due to the size. The quality of some of the text is poor, as it is small, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52. With respect to the error alleged on page 28 in Formula VI, the text "$R_u(CH_2)fl$COOH" was printed as provided in the application as filed.

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

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

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 any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: Julio A. Navarro	: DECISION ON REQUEST FOR
Patent Number	: 7579997	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/866,556	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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Porter Wright Morris & Arthur, LLP
Intellectual Property Group
41 South High Street
28th Floor
Columbus, Ohio 43215

In re application of:	: **DECISION ON PETITION**
Mark G. Pollock et al.	: **TO MAKE SPECIAL FOR**
Application No. 11/866,679	: **NEW APPLICATION**
Filed: October 3, 2007	: **UNDER 37 CFR 1.102**

For: SYSTEM AND METHOD FOR FINANCING OTHER POST EMPLOYMENT BENEFIT (OPEB) PLANS

This is a decision on the petition filed on October 3, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition fails to comply with conditions II.5.2, II.6.1, II.6.2, and II.6.5 above.

As to condition II.5.2, the petition lacks an indication of a pre-examination search that encompasses all of the features of the claims. Specifically, with respect to the classification search, in addition to the areas already searched, the search needs to include a search of 705/4 (insurance) and 705/36 (portfolio planning and analysis). With respect to the text searches submitted, while the search logic provided is directed to certain concepts of the claim limitations, the searches do not contain words or logic that specifically focus the searches towards the "broadest reasonable interpretation" of the claimed subject matter. The search is overly narrowed by utilizing the terminology "post employment benefit" in the search strategies without searching for the broadest reasonable interpretation of the concept, i.e., "benefit plan" or "benefit trust". The search should be broadened by searching for the concept of "funding a benefit plan or benefit trust" and the broader concept of "insurance policy" rather than "life insurance policy". Furthermore, section 9(c) of the Support Document (the detailed explanation of patentability) states that none of the references teach or suggest "transferring the life insurance policies to a plan trust after the life insurance policies have been purchased and subject to an obligation of the plan trust to make benefit payments contracted by the benefit plan to plan members and for the plan trust to endorse back to the transferor at least a portion of the death benefits of the insurance policies" Therefore, the text search should also be directed to the concept of "death or mortality benefits" and "debt". The USPTO website has an example of the proper manner of performing and documenting a pre-examination search for Accelerated Examination petitions at: http://www.uspto.gov/web/patents/accelerated/. Furthermore, a sample of search logic is provided below:

((fund$4 or finan$5) with (benefit adj2 (plan or trust))) and (insurance with policy) and ((death or mortality) near5 (benefit or plan or trust))

This sample search logic is not meant to be the sole search logic that can or should be employed in this application, but is meant solely as an example and a starting point for applicant's assistance.

Further, Google and the Library of Congress Online Catalog are the only Non-Patent Literature (NPL) searches listed in the petition as searched. While Google is a sufficient Internet Search tool to utilize, Applicant should also search other NPL Resources, such as those listed at the USPTO website. The USPTO website has search templates that are broken down by class and subclass classification and provides a listing of the websites to be searched when dealing with claimed subject matter in those classifications at:
http://www.uspto.gov/web/patents/searchtemplates/searchtemplates.htm.
Thus, for applications in 705/35,36 and 705/4, the NPL searches should at least include the databases such as ABI/Inform, American Banker Financial Publication and Business and Industry TM (B&I).

As a condition of 6.1, an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of

each of the claims must be included with the accelerated examination support document. While an IDS has been submitted, the IDS is not in compliance with 37 CFR 1.98. Section (b) of 37 CFR 1.98 requires that each item of information in an IDS be identified properly. U.S. patents must be identified by the inventor, patent number, and issue date. U.S. patent application publications must be identified by the applicant, patent application publication number, and publication date. U.S. applications must be identified by the inventor, the eight digit application number (the two digit series code and the six digit serial number), and the filing date. The IDS submitted only identifies patent numbers and patent application publication numbers. Inventors and issue date information must also be provided.

Furthermore, as to condition II.6.1, the information disclosure statement (IDS) should cite each reference deemed most closely related to the subject matter of each claim. However, in the support document submitted, many of the references included in the IDS identify none of the limitations of applicant's claims. For example, neither Winklevoss, Smith, Lang, Feller, Lewis, Roberts (US 4,642,768 or US 4,722,055) nor Edelman (US 6,064,086 or US 6,085,174) disclose any limitations of applicant's claims. Since it is required that the most closely related references are to be submitted with the petition, the references submitted are considered to be "most closely related". Applicant is not required to cite references that are only relevant to the general subject matter of the claims. If applicant wishes to cite these references for the examiner to consider, applicant should submit a separate IDS in compliance with 37 CFR 1.97 and 1.98 and clearly identify the IDS that is in support of the petition to make special and the IDS that is not in support of the petition.

As a condition of II.6.2, an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference is required. It is noted that there are typographical errors that need correction in this section. Under the heading identifying the reference being discussed as the Smith reference, applicant states that "[w]ith respect to claims 1 to 20, Winklevoss et al. do (sic) not teach any limitation of the claims". Again under the heading identifying the reference being discussed as Hendrickson, applicant states that Smith teaches the limitation of obtaining funds to fund the benefit plan.

As to condition to II.6.5, the showing of where each limitation of each of the claims finds support under 35 USC 112 in the written description of the application is insufficient. For each claimed limitation (including each limitation in both the independent and dependent claims) the petition needs to identify specific areas of the specification, or at least a single paragraph, where each limitation is supported. Listing broadly a number of figures or paragraphs does not comply with what is required. In the current Support Document, Applicant states that support in the disclosure is found for claims 1, 4, 5, etc. at least in figure 7 and paragraphs 0021, 0022, 0026, and 0027of the application. Although applicant makes reference to the claim numbers being discussed and broadly list figures and paragraphs, this does not comply with what is required. The petition needs to set forth each claimed limitation (including dependent claims) and for each claimed limitation an identification of the specific areas in the specification where each limitation is supported.

Furthermore, similar support (if any) for the claimed invention must additionally be shown in the parent application upon which priority is claimed under 35 USC 119. Specifically, for provisional application 60/868,208, a listing of where the limitations of the claims find support is necessary.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/jm: 11/29/2007

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41 SOUTH HIGH STREET
28TH FLOOR
COLUMBUS OH 43215

In re application of	: **DECISION ON PETITION**
Pollock et al.	: **TO MAKE SPECIAL FOR**
Application No. 11/866,679	: **NEW APPLICATION**
Filed: October 3, 2007	: **UNDER 37 CFR 1.102**

For: SYSTEM AND METHOD FOR FINANCING OTHER POST EMPLOYMENT BENEFIT (OPEB) PLANS

This is a decision on the renewed petition filed on January 3, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on October 3, 2007. That petition was dismissed in a decision mailed December 4, 2007 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reasons for the dismissal involved compliance with conditions II.5.2, II.6.1, II.6.2, and II.6.5 (as set forth in the petition decision mailed November 30, 2007). While Applicant's renewed petition request filed on January 3, 2008 addresses the previous issues with regard to conditions II.6.1, II.6.2, and II.6.5, Applicant has not fully addressed all issues raised with regard to condition II.5.2 (as it pertained to the search of the dependent claims).

As per condition II.5.2, Applicant was informed that "the petition lacks an indication of a pre-examination search that encompasses all of the features of the claims." Applicant was provided with a non-limiting sample of search logic in the previous petition decision. While Applicant executed the suggested sample of search logic in the renewed petition request, Applicant has still failed to search all of the limitations recited in the dependent claims or admit that the features recited in the dependent claims are old and well-known (and therefore do not further patentably distinguish the claimed invention over the prior art beyond the reasons presented in the independent claims).

Consequently, Applicant has not met the requirements for an Accelerated Examination petition.

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.

Petitioner is reminded that a single opportunity to perfect the petition has been given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/SMD/1/25/08

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

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APR 14 2010
OFFICE OF PETITIONS

In re Application of	:	
Ishida et al.	:	
Application Number: 11/866680	:	NOTICE
Filing or 371(c) Date: 10/03/2007	:	
Attorney Docket Number: 315646US26	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed on February 5, 2010.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas Wood
Attorney
Office of Petitions

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MAY 24 2010
OFFICE OF PETITIONS

In re Application of George T. Wang, et al. Application No. 11/866,684 Filed: October 3, 2007 Attorney Docket No. SD10738S112614	: : : : :	DECISION ON PETITION

This is a decision on the petitions, filed March 22, 2010, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application, or in the alternative a petition under the unintentional provisions of 37 CFR 1.137(b) to revive the above-identified application.

This application was held abandoned for failure to timely pay the issue and publication fees on or before February 18, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed November 18, 2009. Accordingly, the date of abandonment of this application is February 19, 2010.

The petition under 37 CFR 1.181 is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

As to the petition under 37 CFR 1.181:

While it is noted that petitioner made an attempt to timely pay the required issue fee set in the Notice of Allowance and Issue Fee(s) Due mailed November 18, 2009, the issue fee transmittal submitted to the Office on December 7, 2009 was incomplete and did not provide the deposit account number in which to charge fees.

As to the petition under 37 CFR 1.137(b):

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $860 issue fee, (2) the petition fee of $1620, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to timely pay the issue fee as required by the Notice of Allowance is accepted as being unintentionally delayed.

In view of the above, the petition is GRANTED.

As authorized, the $1620 fee required by 37 CFR 1.137(b) will be charged to petitioner's Deposit Account No. 190131.

Telephone inquiries concerning this decision should be directed to April M., Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4100.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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MINNEAPOLIS MN 55402-1498

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SEP 2 6 2008

OFFICE OF PETITIONS

In re Application of	:
Green	: REQUEST FOR INFORMATION
Application No. 11/866,706	:
Filed: October 3, 2007	:
Atty. Dkt. No: 33501/US/3	:

This decision is in response to the "PETITION UNDER 37 CFR 1.137(b) FOR REVIVAL OF AN APPLICATION ABANDONED UNINTENTIONALLY," filed August 26, 2008.

Petitioner is given **TWO (2) MONTHS** from mail date of this letter within which to submit a written reply. Extensions of time under 37 CFR 1.136(a) are permitted.

This application became abandoned December 23, 2007 for failure to timely submit a proper reply to the Notice to File Corrected Application Papers (Notice) mailed October 22, 2007. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed June 26, 2008.

The instant petition, while submitted under the provisions of 37 CFR 1.137(b) and accompanied by the required petition fee, references "unavoidable" delay under 37 CFR 1.137(a) and also presents arguments which could be construed as a request to withdraw the holding of abandonment for non-receipt of the Office communication mailed October 22, 2007.

Thus, petitioner is requested to clarify the relief sought upon response to the instant letter.

To the extent that petitioner argues that the holding of abandonment should be withdrawn due to non-receipt of the Office communication, petitioner's attention is directed to submit a petition to withdraw the holding of abandonment under 37 CFR 1.181 (no fee due) and comply with the required showing set forth at MPEP 711.03(c).

In the absence of any irregularity in the mailing of an Office communication, there is a strong presumption that the Office communication was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office communication was not in fact received.

The showing required to establish non-receipt 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 non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt 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.

To the extent that petitioner desires treatment on the merits of the petition under 37 CFR 1.137(b), petitioner should make such a request in response to the instant letter.

Further correspondence with respect to this matter should be addressed as follows:

By mail: **Mail Stop Petition**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By hand delivery: U.S. Patent and Trademark Office
Customer Window, **Mail Stop Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

DORSEY & WHITNEY LLP
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SUITE 1500
50 SOUTH SIXTH STREET
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In re Application of :
Green : DECISION ON PETITION
Application No. 11/866,706 :
Filed: October 3, 2007 :
Atty. Dkt. No: 33501/US/3 :

This decision is in response to the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed October 13, 2008.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment mailed June 26, 2008 indicates that the application became abandoned as a failure to respond to the Notice to File Corrected Application Papers(Notice) mailed October 22, 2007.

Petitioner argues non-receipt of the Notice.

The showing required to establish non-receipt 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 non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt 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 and supporting documentation have been carefully reviewed and found in compliance with the above-stated requirements.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

No fee is due in connection with the instant petition under 37 CFR 1.181. It is noted that applicant submitted a petition fee of $770.00. However, no fee is due in connection with a petition under 37 CFR 1.181. Thus, applicant is entitled to a refund of the petition fee of $770.00. Applicant 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 is being referred to the Office of Patent Application Processing for further processing, including review of the replacement drawings filed August 26, 2008.

Telephone inquiries concerning this matter may be directed to the undersigned at 571-272-3205.

Charlene Brown BR

Alesia M. Brown
Petitions Attorney
Office of Petitions

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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.
11/866,707	10/03/2007	Takuji SAKAGUCHI	315732US8	7633

7590 03/18/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
GEORGALAS, ANNE MARIE

ART UNIT	PAPER NUMBER
3625	

NOTIFICATION DATE	DELIVERY MODE
03/18/2010	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

[illegible] 0000001273

Credit Card Refund Total: [illegible]

[illegible]

Adjustment date: 03/18/2010 NFARMER
[illegible] 11866707
02 FC:1111 -510.00 CR

FORM PET651G (Rev. 08/07)

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JUN 18 2008

OFFICE OF PETITIONS

In re Application of	:	
Norimasa Hane	:	
Application No. 11/866,729	:	DECISION ON PETITION
Filed: October 3, 2007	:	
Attorney Docket No. 5193-073310	:	

This is a decision on the petition under 37 CFR 1.57(a), filed December 14, 2007, requesting that the above-identified application be accorded a filing date of October 3, 2007.

The petition under 37 CFR 1.57(a) 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 1.57(a)." This is **not** a final agency decision within the meaning of 5 USC 704.

The instant application was deposited on October 3, 2007. However, the application omitted the specification. Accordingly, on November 2, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", requiring a specification and stating that the filing date would be the date of receipt of the specification.

In response, petitioner filed the specification and the instant petition on December 14, 2007. Petitioner argues that the specification was incorporated by reference pursuant to a priority claim to Japanese application No. 2006-272231.

With respect to the practice of incorporation by reference, the Manual of Patent Examining Procedure states:

> For applications filed on or after September 21, 2004, a claim under 35 U.S.C. 120 and 37 CFR 1.78 for benefit of a prior-filed nonprovisional application or international application designating the U.S. that was present on the filing date of the continuation or divisional application is considered an incorporation by reference of the prior-filed application as to inadvertently omitted material, subject to the conditions and requirements of 37 CFR 1.57(a). The purpose of 37 CFR 1.57(a) is to provide a safeguard for applicants when all or a portion of the specification and/or drawing(s) is (are) inadvertently omitted from an application.

The section goes on to state:

> For an application filed on or after September 21, 2004, if the material needed for a filing date is completely contained within a prior-filed application to which benefit is claimed, applicant may file a petition under 37 CFR 1.57(a)(3) along with the fee set forth in 37 CFR 1.17(f) and an **amendment with the inadvertently omitted material requesting that the amendment be entered** and the application be accorded a filing date as of the original date of deposit of the application papers. See 37 CFR 1.57(a)(3) and MPEP § 201.17.[1]

Here, while petitioner has submitted the specification, including claims and an abstract, petitioner has not submitted an amendment requesting its entry. In addition, petitioner must submit an English language translation of the Japanese application. See 37 CFR 1.57(a)(1)(ii) and MPEP 201.17.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents

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[1] MPEP 201.06(c).

P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Anthony Knight
Supervisor
Office of Petitions

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THE WEBB LAW FIRM PC
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

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SEP 26 2008

In re Application of	:	
Norimasa Hane	:	
Application No. 11/866,729	:	DECISION ON PETITION
Filed: October 3, 2007	:	
Attorney Docket No. 5193-073310	:	

This is a decision on the renewed petition under 37 CFR 1.57(a), filed August 18, 2008, requesting that the above-identified application be accorded a filing date of October 3, 2007.

The petition under 37 CFR 1.57(a) is **GRANTED**.

The instant application was deposited on October 3, 2007. However, the application omitted the specification. Accordingly, on November 2, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", requiring a specification and stating that the filing date would be the date of receipt of the specification.

In response, applicant filed the specification and a petition under 37 CFR 1.57(a) on December 14, 2007. Applicant argued that the specification was incorporated by reference pursuant to a priority claim to Japanese application No. 2006-272231.

However, the petition was dismissed in a decision mailed on June 18, 2008. The decision pointed out that applicant had not submitted an amendment seeking entry of the specification. In addition, applicant had not submitted an English language translation of the Japanese application.

With respect to the practice of incorporation by reference, the Manual of Patent Examining Procedure states:

> For applications filed on or after September 21, 2004, a claim under 35 U.S.C. 120 and 37 CFR 1.78 for benefit of a prior-filed nonprovisional application or international application designating the U.S. that was present on the filing date of the continuation or divisional application is considered an incorporation by reference of the prior-filed application as to inadvertently omitted material, subject to the conditions and requirements of 37 CFR 1.57(a). The purpose of 37 CFR 1.57(a) is to provide a safeguard for applicants when all or a portion of the specification and/or drawing(s) is (are) inadvertently omitted from an application.

The section goes on to state:

> For an application filed on or after September 21, 2004, if the material needed for a filing date is completely contained within a prior-filed application to which benefit is claimed, applicant may file a petition under 37 CFR 1.57(a)(3) along with the fee set forth in 37 CFR 1.17(f) and an **amendment with the inadvertently omitted material requesting that the amendment be entered** and the application be accorded a filing date as of the original date of deposit of the application papers. See 37 CFR 1.57(a)(3) and MPEP § 201.17.[1]

With the instant renewed petition, petitioner has submitted an amendment seeking entry of the specification, as well as an English language translation of the Japanese application. Accordingly, the above-identified application is entitled to a filing date of October 3, 2007, in view of the priority claim to Japanese application No. 2006-272231.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with a <u>filing date of October 3, 2007</u>, using the application papers received in the Office on that date and the specification supplied on petition filed August 18, 2008. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

---

[1] MPEP 201.06(c).

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Anthony Knight
Supervisor
Office of Petitions

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PATRICK W. RASCHE
ARMSTRONG TEASDALE, LLP
ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS, MO 63102

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of :
MIYOSHI, Mitsuharu :
Application No. 11/866,805 :
Filed: October 3, 2007 :
Attorney Docket No. 16NM-JP06183 :

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 30, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 25, 2008 *cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.*[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2831 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

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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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OFFICE OF PETITIONS

AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

In re Application of	:	
Adam BRAGER, et al	:	
Application No. 11/866,835	:	DECISION ON PETITION
Filed: October 3, 2007	:	TO WITHDRAW
Attorney Docket No. 9918-1 (208403)	:	FROM RECORD
	:	

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 9, 2010.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 at this time because there is no clear indication that all of the acts noted above at items (1) - (3), have been completed. Please see the attached Form PTO/SB/83 – Request for Withdrawal as Attorney or Agent.

Further, the Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw cannot be accepted because the address for future correspondence from the Office is not proper. In this regard, the change of address is not that of

an assignee who has properly intervened under 37 CFR 3.71 nor is it the address of the first named inventor.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Attachment: PTO/SB/83 – Request For Withdrawal as Attorney or Agent

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/866,846	10/03/2007	Jagmohan Bhalla	V036 1020.1	7897

26158 7590 10/26/2007
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA, GA 30357-0037

EXAMINER

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
10/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ATTN: PATENT DOCKETING 32ND FLOOR
P.O. Box 7037
Atlanta, GA 30357-0037

OCT 26 2007

In re Application of: Jagmohan Bhalla Serial No.: 11/866,846 Filed: October 03, 2007 Title: **LCD WITH HETERO POLAR LIGHT GUIDE**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on October 03, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1-4; II.1-5, 5.1, 5.3, 6.1, 6.3-6.6, above are considered to have been met. However, the petition fails to comply with conditions II. 5.2 and 6.2, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of II. 5.2, the pre-examination search provided do not provide any search logic, but rather a list of key words. Further, the pre-examination search is not directed to the claimed invention and does not encompass all of the features of the claims, giving the claims the broadest reasonable expectation. Some features of the claimed invention appear to be absent form the listing of key words, e.g. a light source and a light intensity modulation layer. For the above reasons, the petition does not meet the requirements of II. 5.2, as set forth above.

Regarding the requirements of II. 6.2, 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made." For requirement II. 6.2, the petition must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The support document does not specifically identify the limitation of the claims which are taught by the references. The support document presents a narrative of what the reference is alleged to teach, but does not reference any of the language from the claims. It is unclear which limitation of the claim is disclosed, or how many of the limitations are disclosed since . For the above reasons, the petition does not meet the requirements of II. 6.2, as set forth above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Clayton E. LaBalle, TQAS, at (571) 272-1594.

Clayton E. LaBalle
TQAS
Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/866,846	10/03/2007	Jagmohan Bhalla	V036 1020.1	7897

26158 7590 02/08/2008
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA, GA 30357-0037

EXAMINER
LAWSON, MATTHEW P

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
02/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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P.O. Box 7037
Atlanta, GA 30357-0037

FEB -8 2008

In re Application of: Jagmohan Bhalla Serial No.: 11/866,846 Filed: October 03, 2007 Docket: **V036 1020.1** Title: **LCD WITH HETERO POLAR LIGHT GUIDE**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This communication is a reply to the petition filed November 21, 2007. The petition is being treated as a petition requesting reconsideration of the previous decision of October 26, 2007, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed October 03, 2007.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1594.

Clayton E. LaBalle, T-QAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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OSHA LIANG, LLP
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Masashi Hashimoto	:	
Application No. 11/866,856	:	DECISION GRANTING PETITION
Filed: October 3, 2007	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 15115/326001	:	

This is a decision on the petition, filed September 11, 2009, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment. *See* 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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DIW Mar-08

GREENLEE WINNER AND SULLIVAN P C
4875 PEARL EAST CIRCLE
SUITE 200
BOULDER CO 80301

COPY MAILED

MAR 10 2008

OFFICE OF PETITIONS

In re Application of	:	
Earp et al.	:	DECISION ON PETITION
Application Number: 11/866883	:	
Filed: 10/03/2007	:	
Attorney Docket Number: 145-07	:	

This is in response to the "PETITION UNDER 37 C.F.R. 1.57(a)" filed on November 28, 2007 which is treated as a petition requesting that the above-referenced application be accorded a filing date of October 3, 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 October 3, 2007. However, on October 26, 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. An executed oath or declaration was also required.

In response, applicants timely filed this petition. Applicants assert that the drawings were present on filing inasmuch as the application is entitled to a benefit claim under 37 CFR 1.55 of prior-filed foreign United Kingdom Application GB 0619502.8, filed on October 3, 2006, to which a claim of priority was made in the first line of the specification filed with the original application papers. Applicants further have supplied a certified copy of the foreign priority document, preliminary amendment including five (5) sheets of drawings, and request that the drawings be entered. The oath or declaration pursuant to 37 CFR 1.63 has also been filed.

Petitioners' arguments and evidence have been considered. However, it is controlling that a review of the application

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

confirms that as filed the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

No petition is required. Receipt of the preliminary amendment filed on November 28, 2007, requesting entry of the drawings is acknowledged. The preliminary amendment will be reviewed for new matter by the examiner.

To the extent the instant petition requests a filing date of October 3, 2007, with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

The Office of Patent Application Processing (OPAP) has been advised of this decision. Pursuant to this decision, the application has been referred to OPAP for:

- **correction of the filing date to October 3, 2007**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney, Douglas I. Wood at 571.272.3231.

Charles Pearson
Director, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/866,896	10/03/2007	Keisuke Hatasaki	NIT-5517-02	8001

24956 7590 11/15/2007
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
11/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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11/14/2007

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

In re Application of: HATASAKI, et al. Serial No.: 11/866,896 Filed: October 03, 2007 Docket: NIT-5517-02 Title: METHOD AND COMPUTER PROGRAM FOR REDUCING POWER CONSUMPTION OF A COMPUTER SYSTEM	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on October 03, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The mailing of a Notice to File Missing Parts, a Notice of Incomplete Application or a Notice to File Corrected Application Papers is evidence that the application was not complete and in condition for examination at the time of filing. See Notice to File Corrected Application Papers mailed October 10, 2007.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Brian Johnson at (571) 272-3595.

Brian L. Johnson
Quality Assurance Specialist
Technology Center 2100
Computer Architecture, Software and Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/866,896	10/03/2007	Keisuke Hatasaki	NIT-5517-02	8001

24956 7590 01/11/2008
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
01/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MATTINGLY, STANGER, MALUR
& BRUNDIDGE,P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

MAILED

JAN 11 2008

In re Application of: HATASAKI, et al. Serial No.: 11/866,896 Filed: October 03, 2007 Title: METHOD AND COMPUTER PROGRAM FOR REDUCING POWER CONSUMPTION OF A COMPUTER SYSTEM	: : : : : :	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision in response to the submission denominated "Request for Reconsideration of the Petition Under 37 CFR 1.102(d), Petition to Make Special and for Accelerated Examination" received on December 17, 2007. The paper is being treated as a petition under 37 CFR 1.181 to review the decision mailed November 15, 2007, denying accelerated examination status for the instant application. The signatory of the November 15, 2007 decision denying accelerated examination status possessed delegated authority to act on behalf of the Technology Center Director in such matters. Therefore, the petition received on December 17, 2007 is a request for review of a decision of a Technology Center Director. Accordingly, the Office of the Deputy Commissioner for Patent Examination Policy has decision-making authority over Applicant's petition. M.P.E.P. § 1002.02(b)(15).

The petition under 37 CFR 1.181 to reconsider the denial of accelerated examination status for application No. 11/866,896 and to grant such status under 37 CFR 1.102 is **DENIED**.

Background

The above-identified application was filed under 35 U.S.C. § 111(a) on October 3, 2007 accompanied by a petition under 37 CFR 1.102(d) to make the application special under the accelerated examination program. See 71 Fed. Reg. 36,323.

On October 10, 2007, the United States Patent and Trademark Office (USPTO) issued a Notice to File Corrected Application Papers. The Notice required Applicant to submit replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). The notice identified the deficiency in the drawings in that the drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds and copy marks, referencing in particular ALL Figures.

On November 26, 2007, Applicant responded to the notice to file corrected application papers by submitting, *inter alia*, replacement sheets for all drawing Figures (i.e. Figures 1 – 35 on 32 sheets).

On November 15, 2007, a decision was mailed by the USPTO denying Applicant's petition to make special. The decision outlined the requirements for accelerated examination pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" (71 Fed Reg. 36323), and cited the existence of an accurate and properly issued Notice to File Corrected Application Papers" as the justification for denying special examination status to the application.

On December 17, 2007, Applicant submitted the instant Petition under 37 CFR 1.181 requesting reconsideration of the November 15, 2007 denial of the petition to make special.

Applicable Regulations and Notice Sections

37 CFR § 1.84 Standards for drawings.

> (e) Type of paper. Drawings submitted to the Office must be made on paper which is flexible, strong, white, smooth, non-shiny, and durable. All sheets must be reasonably free from cracks, creases, and folds. Only one side of the sheet may be used for the drawing. Each sheet must be **reasonably free from erasures and must be free from alterations, overwritings, and interlineations**.

37 CFR § 1.102 Advancement of Examination

> (a) Applications will not be advanced out of turn for examination or for further action except as provided by this part, or upon order of the Director to expedite the business of the Office, or upon filing of a request under paragraph (b) of this section or upon filing a petition under paragraphs (c) or (d) of this section with a showing which, in the opinion of the Director, will justify so advancing it.

Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination", 71 Fed. Reg. 36,323 (Jun. 26, 2006)

The relevant portions of the Accelerated Examination Notice are as follows:

> *Part I. Requirements for Petitions to Make Special under Accelerated Examination:* A new application may be granted accelerated examination status under the following conditions:
>
> (4) The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination.

...

Part VIII: More Information:

...

Conditions for Examination: The application must be in condition for examination at the time of filing. This means the application must include the following:

...

(F) Drawings in compliance with 37 CFR 1.84;

...

The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g. a notice of incomplete application, a notice to file missing parts, **a notice to file corrected application papers**, notice of omitted items, or notice of informal application). ***The opportunity to perfect a petition (Part II) <u>does not apply</u> to applications that are not in condition for examination of filing.*** (71 Fed. Reg. 36,323 at 36,327)

Decision

Petitioner requests reconsideration of the denial of the petition based upon petitioner's assertions that: 1) the submitted drawings as filed did not contain an unreasonable amount of informalities as alleged in the Notice and were sufficient to permit immediate examination of the application, 2) the parent application (which had been incorporated by reference) to the instant application contained the exact same specification and drawings as in the present application however, the drawings of the parent application were accepted for examination as filed, and 3) the drawings filed with the present application were at worst informal drawings since each of the drawing sheets simply contained a very faint mark in its upper margin.

Petitioner's argument that the submitted drawings did not contain an unreasonable amount of informalities and therefore were sufficient to permit immediate examination of the application is without persuasive force in that petitioner was requesting, via petition, the status of accelerated examination. Under this program, the application must be, "*at the time of filing*" complete under 37 CFR 1.51 and in "*condition for examination*". These requirements include submission of drawings fully in compliance with 37 CFR 1.84. As the goal of this program is to advance prosecution of an application to final disposition, as defined by the Office, within 12 months from the date of filing, all applications must meet the requirements of the policy in order to meet the reduced examination time goals. The existence of a "Notice to File Corrected Application Papers" was the evidentiary basis for concluding the application was not in condition for examination. The issuance of the "Notice to File Corrected Application Papers" was proper. Petitioner has responded and corrected the errors. Therefore, Petitioner implicitly acknowledged that the application was not in condition for examination at the time of filing.

Petitioner's arguments that the parent application (which had been incorporated by reference) to the instant application contained the exact same specification and drawings as in the present application however, the drawings of the parent application were accepted for examination as filed is without persuasive force in as much as the rules which regulate the filing of any

application are fixed. The policy with regulates accelerated examination is well published. Petitioner should assume full application of the policy and rules in every application filed. Further, what transpires in other applications is of no bearing or influence in the instant application.

Finally, petitioner's argument that the drawings filed with the present application were at worst informal drawings since each of the drawing sheets simply contained a very faint mark in its upper margin is without persuasive force. Petitioner has again implicitly acknowledged that the application was not in condition for examination at the time of filing. Petitioner is reminded that the requirements include submission of drawings fully in compliance with 37 CFR 1.84 (as stated above). Each applicant must meet the requirements of the policy.

It is further noted that petitions to make special based upon applicant's health or age, as outlined in MPEP 708.02 III and IV respectively, are available to petitioner should the requirements of those programs be met.

CONCLUSION

For the above-stated reasons, the petition under 37 CFR 1.181 to reconsider a dismissal to make special application No. 11/866,896 is **DENIED**. Therefore, the USPTO will examine the above-identified application in accordance with standard examination procedures.

This decision may be viewed as final agency action. See MPEP 1002.02.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Telephone inquiries related to this decision should be directed to Pinchus M. Laufer, Legal Advisor at (571) 272-7726.

Robert A. Clarke

Robert A. Clarke, Director
Office of Patent Legal Administration
Office of the Deputy Commissioner for Patent Examination Policy

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NOV 23 2009

OFFICE OF PETITIONS

ABSOLUTE TECHNOLOGY LAW GROUP, LLC
135 Wells Street
Suite 518
Milwaukee, WI 53203

In re Application of	:	
James Boyles	:	
Application No. 11/866,915	:	DECISION ON PETITION
Filed: October 3, 2007	:	TO WITHDRAW
Attorney Docket No. BOYLES-NONPROV-1007	:	FROM RECORD
	:	

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 1, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jill Gilbert Welytok 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 James Boyles at the address indicated below.

There is an outstanding Office action mailed July 30, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **James Boyles**
4223 W. Sieben Place
Milwaukee, WI 53216

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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
11/866,915	10/03/2007	James Boyles	BOYLES-NONPROV-1007

CONFIRMATION NO. 8036

POWER OF ATTORNEY NOTICE

57520
ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE, WI 53203

OC000000038919098

Date Mailed: 11/23/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/01/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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SEP 29 2008

OFFICE OF PETITIONS

Shell Oil Company
910 Louisiana
Houston TX 77002

In re Application of :
Bhan, et al. : DECISION ON PETITION
Application No. 11/866,921 :
Filed: October 3, 2007 :
Atty. Dkt. No: TH3362 (US) :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed August 7, 2008.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The application became abandoned December 27, 2007 for failure to respond to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed October 26, 2007. The Notice set at two month shortened statutory period of time for reply. Notice of Abandonment was mailed July 1, 2008.

Petitioners argue non-receipt of the Notice. Petitioners state that a search of the file jacket and docket records for the instant application indicates that the Notice was not received. Petitioners indicate applicant's assignee utilizes an electronic docket system and have provided a copy of a docket report for the instant application.

The showing required to establish non-receipt 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 non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt 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 instant petition does not establish non-receipt of the Notice in compliance with the procedures set forth at MPEP 711.03(c).

Any renewed petition must establish non-receipt of the Notice as set forth at MPEP 711.03(c).

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioners' attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply. *See*, enclosed.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if

petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:	**Mail Stop Petition** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand delivery:	U.S. Patent and Trademark Office Customer Window, **Mail Stop Petition** Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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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MAR 16 2009

OFFICE OF PETITIONS

Shell Oil Company
910 Louisiana
Houston TX 77002

In re Application of :
Bhan, et al. : DECISION ON PETITION
Application No. 11/866,921 :
Filed: October 3, 2007 :
Atty. Dkt. No: TH3362 (US) :

This decision is in response to the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed December 23, 2008.

The application was held abandoned for failure to respond to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed October 26, 2007. The Notice set at two month shortened statutory period of time for reply. Notice of Abandonment was mailed July 1, 2008. A petition under 37 CFR 1.181 was filed August 7, 2008 and dismissed September 29, 2008.

Petitioners argue non-receipt of the Notice.

The showing required to establish non-receipt 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 non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be

submitted as documentary proof of non-receipt 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 instant petition and accompanying documentary evidence have been carefully reviewed and found in compliance with the procedures set forth at MPEP 711.03(c).

In view thereof, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated.

Further, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

This application is being forwarded to the Office of Patent Application Processing for re-mailing of the Notice to File Missing Parts of Nonprovisional Application. The time period for reply to the Notice will be set forth therein.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: RICHARD TAYLOR
SHELL OIL COMPANY
P O BOX 2463
HOUSTON, TX 772522463

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DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121-2133

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APR 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Bernard O. Palsson, et al.	:	
Application No. 11/866,945	:	DECISION GRANTING PETITION
Filed: October 3, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. UCSD1960-2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 16, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 16, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1631 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES CA 90067

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MAY 09 2008

OFFICE OF PETITIONS

In re Application of :
Li, et al. :
Application No.11/866,964 :
Filed: NO FILING DATE YET ACCORDED :
Attorney Docket No. 89188.0243 :

DECISION DISMISSING PETITION

This is a decision on the "Petition for Date of Deposit ; Or in the Alternative, Acceptance of the Filing Date and Entry of Figure 2" filed March 12, 2008, and in supplement of March 13, 2008, requesting that the above-identified application be accorded a filing date of October 3, 2007, with Figure 2, as described in the specification, as part of the original disclosure.

The petition is **dismissed**.

On October 3, 2007, applicants filed the above-identified application. On March 13, 2008, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, stating that the application had been accorded a filing date of October 3, 2007[1], and advising applicants that figure 2, as described in the specification, appeared to have been omitted.

On March 12, 2008, applicants submitted the present petition, a preliminary amendment, and Figure 2. Applicant requests that the application retain the filing date of October 3, 2007, with figure 2 included as part of the original disclosure. Applicant concedes the Figure 2 was not included with the original disclosure, but maintains that Figure 2 is not new matter.

The Notice to File Missing Parts of Nonprovisional Application ("Notice") gives the applicant four options. These options are:

I. file a petition arguing that the omitted items was filed with the original application,
II. file the omitted item and accept the date the omitted items was filed as the application filing date, or
III. accept the application as deposited, absent the alleged omitted item, and file an amendment correcting the discrepancy in the application papers

If option three is accepted, the Notice states that, "[i]n the absence of a timely petition in reply to this, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and the original application papers . . . will include only those application present in the USPTO on the date of deposit." Applicant files a timely petition, but seeks to have the omitted figure included with the original application papers, by way of amendment, and retain the original filing date. Absent *prima facie*

[1] It is noted that the Notice to File Missing Parts of Nonprovisional Application indicates that this application has been accorded a filing date of October 3, 2007, however; at the time of disposition of this petition, the USPTO PALM database indicated that the application had not yet been accorded a filing. Thus, "NO FILING DATE YET ACCORDED" is cited in the caption of this decision.

evidence that the omitted figure was filed on October 3, 2007, the omitted figure cannot be included as part of the original disclosure and the application retain a filing date of October 3, 2007. As conveyed by the Notice, applicant must either establish that the omitted figure was filed, or file the omitted figure and accept the date the omitted figure is filed as the application filing date, or accept the application as filed and amend the application later. Applicant has conceded that Figure 2 did not accompany the original application papers. Accordingly, the request to accord the application a filing date of October 3, 2007, with Figure 2 as part of the original disclosure is dismissed. Applicant's petition will be treated as a request to retain the filing date of October 3, 2007, with only those papers filed on that date and for the omitted figure to be entered as per the preliminary amendment filed March 13, 2008.

The application file will be directed to the Office of Patent Application Processing for further processing. Provided all other matters are in order, the application should be accorded a filing date of October 3, 2007, including only papers filed on that date excluding Figure 2. Thereafter, the application file will be directed to Technology Center 2800, GAU 2857 for treatment of the preliminary amendment.

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
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JJGJR.: 12-04

Paper No: __

FITCH EVEN
TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

COPY MAILED

DEC 0 9 2004

OFFICE OF PETITIONS

In re Application of
Powell, et al. :
Application No. 10/832,740 : ON PETITION
Filed: 26 April, 2004 :
Attorney Docket No. 81725/7545 :

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 19 August, 2004

The petition is **GRANTED**.

BACKGROUND

The record indicates:

- the application was filed on 26 April, 2004, without, *inter alia*, a fully executed oath or declaration; and

- on 8 July, 2004, the Office mailed a Notice to File Missing Parts with a reply due absent extension of time on or before 8 September, 2004;

- the 8 September, 2004, petition under 37 C.F.R. §1.47, (filed with, *inter alia*, an oath/declaration signed by named inventor Finch, but without the signature of Joseph S. Powell (Mr. Powell) and Randall Brown (Mr. Brown), and narrative by Petitioner Steven M. Freeland (Reg. No. 42,555) and assignee vice president of operations Dale Sheet and

additional documentation evidencing that the entire application was transmitted to the non-signing inventors at their last known addresses, but that they failed to respond positively to the request that they sign the declaration or in fact sign said declaration.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and Petitioner has shown that such action is necessary to prevent irreparable damage.

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 being forwarded to OIPE for processing as necessary to reflect the instant decision before being released for examination in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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JJGJR.: 12-04

Paper No: __

RANDALL BROWN
3943 SEQUOIA STREET
SAN DIEGO, CA 92109

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DEC 09 2004

OFFICE OF PETITIONS

In re Application of
Powell, et al. :
Application No. 10/832,740 : COMMUNICATION
Filed: 26 April, 2004 :
Attorney Docket No. 81725/7545 :

Dear Randall Brown:

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, ¶a, 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 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).

Telephone inquiries concerning this correspondence may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
FITCH EVEN
TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJR.: 12-04

Paper No: __

JOSEPH S. POWELL
320 JOANN STREET
COSTA MESA, CA 92626

COPY MAILED

DEC 09 2004

OFFICE OF PETITIONS

In re Application of
Powell, et al. :
Application No. 10/832,740 : COMMUNICATION
Filed: 26 April, 2004 :
Attorney Docket No. 81725/7545 :

Dear Joseph S. Powell:

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, ¶a, 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 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).

Telephone inquiries concerning this correspondence may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
FITCH EVEN
TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

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JUL 1 ., 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

KAMILO FEHER
44685 COUNTRY CLUB DRIVE
EL MACERO CA 95618

In re Application of		
Kamilo Feher	:	NOTICE OF WITHDRAWAL
Application No. 11/866,995	:	FROM ISSUE
Filed: October 3, 2007	:	UNDER 37 C.F.R. 1.313(b)
Attorney Docket No. FING05CONT609	:	

The purpose of this communication is to inform you that the above identified application is being withdrawn from issue pursuant to 37 C.F.R. 1.313.

The above-identified application is hereby withdrawn from issue.

Patent and Trademark Office records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

Telephone inquiries should be directed to Lester Kincaid at (571) 272-7922.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Wanda L Walker

Wanda Walker, Director
Technology Center 2600

CC: Office of Publications

Patent Clerk, South Tower, Room 08C15
Supervisory Correspondence Clerk, South Tower, Room 08C15

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BRADLEY ARANT BOULT CUMMINGS LLP
200 CLINTON AVE. WEST, SUITE 900
HUNTSVILLE, AL 35801

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OFFICE OF PETITIONS

In re Application of	:	
Sherman L. WILCOX, et al	:	
Application No. 11/867,191	:	DECISION ON PETITION
Filed: October 4, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 0B175-92174	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 2, 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 an affidavit signed by Applicant Robert O. Baron, Sr. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 2863 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA, GA 30309-3592

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In re Application of
David Chadwick
Application No. 11/867,230
Filed: October 4, 2007
Attorney Docket No. 047760.004

ON PETITION

This is a decision in response to the petition, filed August 22, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to timely respond to a Notice to File Corrected Application Papers mailed October 22, 2007, requiring an abstract of the technical disclosure commencing on a separate sheet in compliance with 37 CFR 1.72(b). The notice set a two-month period for response and stated that a drawing of Figures 10 and 11 appear to be omitted. On June 26, 2008, a Notice of Abandonment was mailed. On August 22, 2008, the present petition was filed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Brendan E. Squire, appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an abstract and amendment; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay[1].

Petitioner is reminded that the grant of a petition under 37 CFR 1.137 is not a determination that any reply is complete, since the petition may be granted if the reply appears to be *bona fide*. After revival of the application, the Office of Patent Application Processing (OPAP) may, upon more

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, 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.

detailed review, determine that the reply is lacking in some respect. In this limited situation, OPAP should send out a letter giving shortened statutory period under 37 CFR 1.135(c) for correction of the error or omission. Extensions of time under 37 CFR 1.136(a) are permitted. If applicant does not correct the omission within the time period set in the letter (including any extension), the application is again abandoned.

The application is being referred to the Office of Patent Application Processing (OPAP) for consideration of the response filed August 22, 2008.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: Brad J. Reeves	: DECISION ON REQUEST FOR
Patent Number	: 7599756	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/867,244	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **161** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON IA 50131-0552

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JUL 20 2009

OFFICE OF PETITIONS

In re Application of

Dhugga, et al.

Application No. 11/867,246

Filed: October 4, 2007

Attorney Docket No. **0864CD2D**

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), June 17, 2009, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee and publication fee as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed February 18, 2009. The Notice set forth a three (3) month statutory period for reply. The fees were not received within the allowable period. Accordingly, this application became abandoned on May 18, 2009. A Notice of Abandonment was mailed June 17, 2009.

The fees were received on June 17, 2009.

Form PTOL-85B, filed June 17, 2009, is noted and made of record.

The application is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON, IA 50131-0552

Mail Date: 04/20/2010

Applicant	: Kanwarpal S. Dhugga	: DECISION ON REQUEST FOR
Patent Number	: 7582808	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/867,246	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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
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MAIL

JAN 29 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

HOFFMAN WARNICK LLC
75 STATE ST
14 FL
ALBANY NY 12207

In re Application of	:	
KAORU, FUKUDA	:	DECISION ON REQUEST TO
Application No. 11/867,252	:	PARTICIPATE IN PATENT
Filed: October 04, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. JP920060096US1	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 19, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH 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 6 above in that the copies of documents cited by the JPO examiner in the JPO office action were not submitted. The JPO examiner cited 9 references. Although these 9 references were listed in the IDS listing, only cite numbers 1, 3, 6 and 8 were submitted. Copies of the following Japanese Unexamined Patent Application references should be submitted:
2005-190216,
2006-29967,
2008-519496,
2005-31924, and
H8-263610.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Kenneth Wieder at 571-273-2986 (RightFax) or 571-273-0308 or 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 Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

Best Available Copy

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

IBM - CHA
SHIMOKAJI & ASSOCIATES, P.C.
8911 Research Drive
Irvine CA 92618

In re Application of KAORU, FUKUDA Application No. 11/867,252 Filed: October 4, 2007 Attorney Docket No. JP920060096US1	: : : : : : :	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 19, 2009 and December 19, 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.

Best Available Copy

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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ONE MARITIME PLAZA-FIFTH FLOOR
720 WATER STREET
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Mail Date: 04/21/2010

Applicant	: Albert Trenchs	: DECISION ON REQUEST FOR
Patent Number	: 7583483	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/867,274	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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McDermott Will & Emery
600 13th Street, NW
Washington, DC 20005-3096

Mail Date: 04/20/2010

Applicant	: Nathan Cohen	: DECISION ON REQUEST FOR
Patent Number	: 7659862	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/867,284	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **129** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

Mail Date: 04/20/2010

Applicant	: Kazuo Katsuyama	: DECISION ON REQUEST FOR
Patent Number	: 7612507	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/867,295	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **100** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET NW
WASHINGTON, DC 20005

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In re Application of :

Katsushige NAKAMURA :
Application No. 11/867,297 :
Filed: October 4, 2007 :
Attorney Docket No. **MIY0001-US** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 20, 2009.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted forwarding correspondence address information for the application.

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 Office will also 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). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

Attachment: Statement Under 37 CFR 3.73(b)

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OFFICE OF PETITIONS

PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET NW
WASHINGTON, DC 20005

In re Application of

Katsushige NAKAMURA
Application No. 11/867,297
Filed: October 4, 2007
Attorney Docket No. **MIY0001-US**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 2010.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted forwarding correspondence address information for the application.

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 Office will also 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). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

Attachment: Statement Under 37 CFR 3.73(b)

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DYKAS, SHAVER & NIPPER, LLP
P.O. BOX 877
BOISE ID 83701-0877

In re Application of	:	
SMART, Kenneth L. et al.	:	
Application No. 11/867,365	:	DECISION ON PETITION
Filed: October 04, 2007	:	TO WITHDRAW
Attorney Docket No. **SMAK103**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 26, 2009.

The request is **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 Stephen Nipper on behalf of all attorneys of record who are associated with customer No. 21658. All attorneys/agents associated with the Customer Number 21658 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 Smart 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: **KENNETH L. SMART**
14167 OASIS ROAD
CALDWELL ID 83607

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In re Application of	:	
Frank W. Harris	:	
Application No. 11/867,372	:	DECISION ON PETITION
Filed: October 4, 2007	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(a)
113735.0004	:	
Title: POLY(ARYLETHERIMIDES)	:	
FOR NEGATIVE BIREFRINGENT FILMS	:	
FOR LCDS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(a), filed on July 3, 2008, to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED.**

This application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed October 24, 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 December 25, 2007. A notice of abandonment was mailed on June 26, 2008.

The Relevant Portion of the MPEP

Section 711.03(c)(I)(A) sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in

view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner 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).

Analysis

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the fee that is associated with the filing of a petition pursuant to this section of the C.F.R.[1], along with a statement of facts, a fully executed declaration along with the surcharge that is associated with the late submission of the same, and a replacement abstract. As such, Petitioner has met requirements (1) and (2) of Rule 1.137(a). The fourth requirement is not applicable, as no terminal disclaimer is required.

Regarding the third requirement of Rule 1.137(a), Petitioner has not established that the entire period of delay was unavoidable.

Petitioner has alleged that the notice of October 24, 2007 was not received. However, Petitioner has not:

- included a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO;

- established that the docketing system is sufficiently reliable;

1 It is noted that the Office has incorrectly charged the fee that is associated with the filing of a petition under the unintentional standard to Petitioner's Deposit Account. The difference will be refunded in due course.

- indicated 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;

- provided a copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received, or;

- either provided the master docket for the firm, as described above, or indicated that no such master docket exists and provided the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

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[2], hand-delivery[3], or facsimile[4]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[5].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225[6]. All other

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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AKRON OH 44308

In re Application of	:	
Frank W. Harris	:	
Application No. 11/867,372	:	DECISION ON RENEWED
Filed: October 4, 2007	:	PETITION PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(a)
113735.0004	:	
Title: POLY(ARYLETHERIMIDES)	:	
FOR NEGATIVE BIREFRINGENT FILMS	:	
FOR LCDS	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(a), filed on September 22, 2008, to revive the above-identified application.

This renewed petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED.**

This application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed October 24, 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 December 25, 2007. A notice of abandonment was mailed on June 26, 2008.

The Relevant Portion of the MPEP

Section 711.03(c)(I)(A) sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner 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 (emphasis added).

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).

Analysis

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(a) was filed on July 3, 2008, along with the petition fee, a statement of facts, a fully executed declaration along with the surcharge that is associated with the late submission of the same, and a replacement abstract. The decision was dismissed via the mailing of a decision on August 14, 2008. The decision indicated that Petitioner had met requirements (1) and (2) of Rule 1.137(a). The fourth requirement is not applicable, as no terminal disclaimer is required.

With this renewed petition, Petitioner has alleged that the notice of October 24, 2007 was not received, included a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO, established that the docketing system is sufficiently reliable, indicated that a search of the "files[1]" indicates that the Office action was not received, and provided a copy of the records used by the practitioner where

1 The Office is construing this language to mean that the file jacket and the application contents were searched. **Petitioner must notify the Office if this is not a correct interpretation of this statement.**

the non-received Office action would have been entered had it been received.

However, Petitioner has not established that the entire period of delay was unavoidable.

The decision on the original petition indicated that Petitioner would need to provide the master docket for the firm or indicated that no such **master docket** exists. This renewed petition is silent as to any master docket.

On October 1, 2007, the undersigned contacted Petitioner, informed him of this deficiency, and indicated that a two-day period of time would be provided to correct this deficiency. Petitioner indicated that a master docket could be provided to the Office, and that the same would be filed electronically. Petitioner indicated that he would notify the undersigned when such an electronic filing had been made.

To date, the undersigned has not received word from Petitioner that a copy of the master docket has been provided. It is noted that on October 1, 2007, a copy of a "patent create/update report." The document contains a plurality of docket numbers, with creation dates ranging from May 15, 2006 through June 5, 2007. Each contains an "update date" of either January 2, 2008 or January 3, 2008. **This submission does not appear to be a master docket.** It is not clear what this document is intended to represent, and a cover letter - that might explain what this document represents and why it was provided to the Office - was not included with this submission.

It follows that Petitioner has neither provided a copy of the master docket, nor asserted that no such master docket exists.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

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,[2] hand-delivery,[3] or

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

facsimile.[4] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[5]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[6] 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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3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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DEC 05 2008

OFFICE OF PETITIONS

ROETZEL AND ANDRESS
222 SOUTH MAIN STREET
AKRON OH 44308

In re Application of	:	
Frank W. Harris et al.	:	
Application No. 11/867,372	:	DECISION ON SECOND RENEWED
Filed: October 4, 2007	:	PETITION PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(a)
113735.0004	:	
Title: POLY(ARYLETHERIMIDES)	:	
FOR NEGATIVE BIREFRINGENT FILMS	:	
FOR LCDS	:	

This is a decision on the second renewed petition pursuant to 37 C.F.R. § 1.137(a), filed on October 28, 2008, to revive the above-identified application.

This second renewed petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED**.

This application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed October 24, 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 December 25, 2007. A notice of abandonment was mailed on June 26, 2008.

The Relevant Portion of the MPEP

Section 711.03(c)(I)(A) sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner 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

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(a) was filed on July 3, 2008, along with the petition fee, a statement of facts, a fully executed declaration along with the surcharge that is associated with the late submission of the same, and a replacement abstract. The decision was dismissed via the mailing of a decision on August 14, 2008. The decision indicated that Petitioner had met requirements (1) and (2) of Rule 1.137(a). The fourth requirement is not applicable, as no terminal disclaimer is required.

A renewed petition was filed on September 22, 2008, along with an allegation that that the notice of October 24, 2007 was not received, 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

establishment that that the docketing system is sufficiently reliable, an indication that a search of the "files"[1] indicates that the Office action was not received, and a copy of the records used by the practitioner where the non-received Office action would have been entered had it been received.

The renewed petition was dismissed via the mailing of a decision on October 10, 2008, which indicated that the record did not support a finding that the entire period of delay was unavoidable, due to the fact that the renewed petition was silent as to any master docket.

With this second renewed petition, Petitioner has provided a copy of the master docket.

The master docket has been reviewed, and it has been determined that Petitioner has established both that the notice of October 24, 2007 was not received, and that the entire period of delay was unavoidable.

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 notice of October 24, 2007 was not received.

As stated above, the decision on the original petition indicated that the first requirement of Rule 1.137(a) had been satisfied. The Office has since reconsidered its position on this matter, due to the fact that **the declaration that was presented concurrently with the original petition cannot be entered, as it fails to comply with 37 CFR § 1.63**. The declaration contains non-initialed and non-dated changes by inventor Harris.[2]

On November 28, 2008, the undersigned contacted Petitioner, informed him of this deficiency via voicemail, and requested that Petitioner contact him, so that it could be corrected without the need to dismiss this second renewed petition. To date, the undersigned has not heard from Petitioner in regards to this matter.

To date, requirements (2) and (3) of Rule 1.137(a) have been satisfied. As stated above, the fourth requirement is not applicable, as no terminal disclaimer is required.

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1 The Office is construing this language to mean that the file jacket and the application contents were searched. **Petitioner must notify the Office if this is not a correct interpretation of this statement.**
2 See 37 C.F.R. § 1.52(c)(1) and MPEP § 605.04(a).

On third renewed petition, in order to meet the first requirement of Rule 1.137(a), **Petitioner may wish to include a declaration that has been properly executed by Mr. Harris.**

Conclusion

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "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.

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,[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 Senior Attorney Paul Shanoski at (571) 272-3225.[7] 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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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 further action(s) of Petitioner.

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

ROETZEL AND ANDRESS
222 SOUTH MAIN STREET
AKRON OH 44308

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JAN 08 2009

OFFICE OF PETITIONS

In re Application of Frank W. Harris et al. Application No. 11/867,372 Filed: October 4, 2007 Attorney Docket No.: 113735.0004 Title: POLY(ARYLETHERIMIDES) FOR NEGATIVE BIREFRINGENT FILMS FOR LCDS	DECISION ON THIRD RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.137(a)

This is a decision on the third renewed petition pursuant to 37 C.F.R. § 1.137(a), filed on December 12, 2008, to revive the above-identified application.

This third renewed petition pursuant to 37 C.F.R. § 1.137(a) is **DISMISSED.**

This application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed October 24, 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 December 25, 2007. A notice of abandonment was mailed on June 26, 2008.

Procedural History and Analysis

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(a) was filed on July 3, 2008, and was dismissed via the mailing of a decision on August 14, 2008.

A renewed petition was filed on September 22, 2008, and was dismissed via the mailing of a decision on October 10, 2008.

A second renewed petition pursuant to 37 C.F.R. § 1.137(a), filed on October 28, 2008, and was dismissed via the mailing of a decision on December 5, 2008, which indicated that Petitioner has met his burden of establishing that the notice of October 24, 2007 was not received. However, the decision further indicated that the declaration that was presented concurrently with the original petition cannot be entered, as it fails to comply with 37 CFR § 1.63, as it contains non-initialed and non-dated changes by inventor Harris.[1]

With this third renewed petition, Petitioner has included a declaration which contains dated and initialed changes by Mr. Harris, however this declaration cannot be accepted, as it is defective.

The oath or declaration is defective because it does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56. Instead of "material to patentability," it improperly states "material to the examination of this application," which has no meaning in the context of the rule.[2]

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1 See 37 C.F.R. § 1.52(c)(1) and MPEP § 605.04(a)
2 See 1327 *Official Gazette* 112 (February 12, 2008): "[a]ll oaths or declarations filed on or after June 1, 2008, will be required to include the language expressly set forth in 37 CFR 1.63, including that in 37 CFR 1.63(b)(3). "

On December 24, 2008, the undersigned contacted Petitioner, informed him of this deficiency via voicemail, and requested that Petitioner contact him, so that it could be corrected without the need to dismiss this third renewed petition. On December 26, 2008, the undersigned spoke with Petitioner, and set a one-week period of time to electronically file an acceptable declaration. As of the mailing of this decision, an acceptable declaration has not been provided to the Office.

To date, requirements (2) and (3) of Rule 1.137(a) have been satisfied. As stated above, the fourth requirement is not applicable, as no terminal disclaimer is required.

On fourth renewed petition, in order to meet the first requirement of Rule 1.137(a), **Petitioner should file a newly executed declaration that contains the required language.**

Conclusion

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Fourth 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.

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,[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 Senior Attorney Paul Shanoski at (571) 272-3225.[7] All other

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3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 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

inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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Paper No.

ROETZEL AND ANDRESS
222 SOUTH MAIN STREET
AKRON OH 44308

MAILED

APR 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Frank W. Harris	:	
Application No. 11/867,372	:	DECISION ON FOURTH RENEWED
Filed: October 4, 2007	:	PETITION PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(a)
113735.0004	:	
Title: POLY(ARYLETHERIMIDES)	:	
FOR NEGATIVE BIREFRINGENT FILMS	:	
FOR LCDS	:	

This is a decision on the fourth renewed petition pursuant to 37 C.F.R. § 1.137(a), filed on January 26, 2009, to revive the above-identified application.

This fourth renewed petition pursuant to 37 C.F.R. § 1.137(a) is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed October 24, 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 December 25, 2007. A notice of abandonment was mailed on June 26, 2008.

The Relevant Portion of the MPEP

Section 711.03(c)(I)(A) sets forth, *in toto*:

> In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner 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

A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
(3) A showing to the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(a) was filed on July 3, 2008, and was dismissed via the mailing of a decision on August 14, 2008.

A renewed petition was filed on September 22, 2008, and was dismissed via the mailing of a decision on October 10, 2008.

A second renewed petition was filed on October 28, 2008, and was dismissed via the mailing of a decision on December 5, 2008.

A third renewed petition was filed on December 12, 2008, and was dismissed via the mailing of a decision on January 8, 2009.

With this fourth renewed petition, Petitioner has included an acceptable declaration that has been executed by each of the joint inventors.

Requirements (1) - (3) of Rule 1.137(a) have been satisfied. As stated above, the fourth requirement is not applicable, as no terminal disclaimer is required.

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 notice of October 24, 2007 was not received.

Conclusion

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing in due course.

OPAP will note that both the surcharge that is associated with the late submission of an oath or declaration and a replacement abstract were received on July 3, 2008, and that a fully executed declaration was received on January 12, 2009.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival of this application has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status**.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[1] All other inquiries concerning examination procedures should be directed to OPAP. The general phone number for OPAP is 571-272-4000.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

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JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Ning Guan	:	
Application No.: 11/867,378	:	ON PETITION
Filed: October 4, 2007	:	
Attorney Docket No.: Q103456	:	

This is a decision on the petition, filed July 8, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 2, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2817 for further processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

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APR 30 2009

OFFICE OF PETITIONS

In re Application of
Douglas Kerr Gessford et al.
Application No. 11/867,401
Filed: October 4, 2007
Attorney Docket No.: **666.0114**

ON PETITION

This is a decision on the petition filed April 21, 2009 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed September 5, 2008. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned December 4, 2008. The instant petition and this decision precede the mailing of the Notice of Abandonment.

This matter is being referred to Technology Center 3634 for appropriate action on the amendment filed April 21, 2009.

Telephone inquiries concerning 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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[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 Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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SUITE 800
WASHINGTON DC 20037

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JUL 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Ning Guan	:	
Application No. 11/867,440	:	DECISION GRANTING PETITION
Filed: October 4, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q103562	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 9, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 15, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2817 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

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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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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.
11/867,509	10/04/2007	Charles M. Hengel	2011.016US1	9164

7590 07/20/2009
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER
SHIN, MIN

ART UNIT	PAPER NUMBER
3688	

NOTIFICATION DATE	DELIVERY MODE
07/20/2009	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tomi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

In re Application of	:	
Hemant Jha et al.	:	
Application No. 11/867,510	:	DECISION ON PETITION
Filed: October 4, 2007	:	TO WITHDRAW
Attorney Docket No. 90715/8554	:	FROM RECORD
	:	

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 7, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address does not include a proper power of attorney nor is the address that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Hammond Beeby Rupert Ainge, Inc.
Attention: Dennis E. Rupert
440 N. Wells Street, Suite 200
Chicago, IL 60654

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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LARSON NEWMAN ABEL POLANSKY & WHITE, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN TX 78730

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AUG 2 5 2008

In re Application of
Swie, et al.
Application No.: 11/867,520
Filed: October 4, 2007
Attorney Docket No.: 1035-O4749
For: THERMALLY STABLE COMPOSITE MATERIAL FORMED OF POLYIMIDE

ON PETITION

This is a decision on the petition under 37 CFR 1.47(a), filed June 20, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (2) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. While the pages of the declaration list the same attorney docket number, it appears that parts of two different declarations were combined and filed on

June 20, 2008. One page is labeled "-Page 2 of 2-" and lists David Worth House and Pawel Czubarow as first and second joint inventors. Another page is labeled "-Page 3 of 3-" and lists Pawel Czubarow, David Worth House, David C. DeCoster and Olivier Guiselin as joint inventors 3-6. Thus, David Worth House executed a different declaration than the other joint inventors that were listed on "-Page 3 of 3-". Mr. House is not "on notice" of the identity of the other joint inventors.

Fortunately, David Worth House is a signing inventor. Thus, pursuant to 37 CFR 1.67(a)(2), Inventor House may execute a supplemental declaration identifying the entire inventive entity and their information, but signed only by him.

An oath or declaration in compliance with 37 CFR 1.63 and1.64 signed by the Rule 1.47 applicants on behalf of the non-signing inventor is REQUIRED. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LARSON NEWMAN ABEL POLANSKY & WHITE, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN TX 78730

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SEP 26 2008

In re Application of Swie, et al. Application No.: 11/867,520 Filed: October 4, 2007 Attorney Docket No.: 1035-O4749 For: THERMALLY STABLE COMPOSITE MATERIAL FORMED OF POLYIMIDE	: : : : : :	DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed September 5, 2008.

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, Pawel Czubarow, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

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
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PAWEL CZUBAROW
33 MAURICE ROAD
WELLESLEY MA 02482

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SEP 2 6 2008

In re Application of :
Swie, et al. : LETTER
Application No.: 11/867,520 :
Filed: October 4, 2007 :
Attorney Docket No.: 1035-O4749 :
For: THERMALLY STABLE COMPOSITE MATERIAL FORMED OF POLYIMIDE

Dear Mr. Czubarow:

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(s), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEYS OF RECORD: LARSON NEWMAN ABEL POLANSKY & WHITE, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN TX 78730

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

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JUL 09 2010

OFFICE OF PETITIONS

In re Application of
Ning Guan
Application No.: 11/867,528
Filed: October 4, 2007
Attorney Docket No.: Q103692

ON PETITION

This is a decision on the petition, filed July 8, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 10, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2817 for further processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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HEAD, JOHNSON & KACHIGIAN
228 W 17TH PLACE
TULSA, OK 74119

Mail Date: 04/21/2010

Applicant	: Brian Bovaird	: DECISION ON REQUEST FOR
Patent Number	: 7628918	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/867,530	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **300** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

BATEMAN IP LAW GROUP
P.O. BOX 1319
SALT LAKE CITY UT 84110

In re Application of
SCHUMAN, Jason R.
Application No. 11/867,540
Filed: October 04, 2007
Attorney Docket No. **3425.GTI.NP**

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 30, 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 acts one (1) and two (2) noted in the above-identified certifications have been performed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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OFFICE OF PETITIONS

BATEMAN IP LAW GROUP
P.O. BOX 1319
SALT LAKE CITY UT 84110

In re Application of	:	
SCHUMAN, Jason R.	:	
Application No. 11/867,540	:	DECISION ON PETITION
Filed: September 27, 2005	:	TO WITHDRAW
Attorney Docket No. **3425.GTI.NP**	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 06, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Brett H. Peterson on behalf of all attorneys of record who are associated with customer No. 27472. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

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 outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JASON R. SCHUMAN**
1437 SOUTH PEBBLECREEK DRIVE
LAYTON, UT 84041

cc: **G TEXTM INC.**
3412 LAKE PARK COURT
SANTA ROSA, CA 95403

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE NW, SUITE 800
WASHINGTON, DC 20037

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JUL 14 2010

OFFICE OF PETITIONS

In re Application of
Ning GUAN
Application No. 11/867,544
Filed: October 4, 2007
Attorney Docket No. **Q103437**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 9, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 22, 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 2817 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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Ning Guan	:	
Application No. 11/867,550	:	DECISION GRANTING PETITION
Filed: October 4, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q103455	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 8, 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 10, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2817 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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CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN
5 BECKER FARM ROAD
ROSELAND NJ 07068

MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
DRUMMOND, George S.	:	
Application No. 11/867,559	:	DECISION ON PETITION
Filed: October 04, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **331640-54**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 06, 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 the declaration of inventor George Drummond, 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 1624 for action on the merits commensurate with this decision.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 30 2009

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

In re Application of	:	
DRUMMOND, George S. et al.	:	
Application No. 11/867,559	:	DECISION ON PETITION
Filed: October 04, 2007	:	TO WITHDRAW
Attorney Docket No. **331640-54**	:	FROM RECORD
	:	

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 06, 2009.

The request is moot because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to MORRISON & FOERSTER LLP has been revoked by the assignee of the patent application on March 16, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN**
5 BECKER FARM ROAD
ROSELAND NJ 07068

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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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DANIAR HUSSAIM
KD SECURE
101 MAIN STREET, 18th FLOOR
CAMBRIDGE, MA 02142

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OFFICE OF PETITIONS

In re Application of	:	
DONOVAN, et al.	:	
Application No. 11/867,575	:	DECISION ON PETITION
Filed: October 4, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **JJd-003**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 4, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the statement of inventor John J. Donovan, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Initial Patent Examination at 703-308-9010.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Monica A. Graves
Petitions Examiner
Office of Petitions

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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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Benjamin LEVINSON, et al	:	
Application No. 11/867,581	:	DECISION ON PETITION
Filed: October 4, 2007	:	TO WITHDRAW
Attorney Docket No. 331640-34	:	FROM RECORD
	:	

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 6, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP, have been revoked by the assignee of the patent application on March 16, 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 address indicated below until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
5 BECKER FARM ROAD
ROSELAND, NJ 07068

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FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK NY 10104-3800

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JUN 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Gentile et al.	:	DECISION ON PETITION
Application No. 11/867,591	:	TO WITHDRAW
Filed: October 4, 2007	:	FROM RECORD
Attorney Docket No. 03875.001500.	:	

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 23, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Douglas Sharrott on behalf of all attorneys of record who are associated with Customer No. 05514.

All attorneys/agents associated with Customer Number 05514 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is an outstanding Office action mailed February 4, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: T-Ink, Inc.
244 West 54th Street
New York, New York, 10019

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA22313-1450
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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

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FEB 1 2 2008

OFFICE OF PETITIONS

In re Application of
Russell Anderson et al.
Application No. 11/867,602
Filed: October 4, 2007
Attorney Docket No. ISAA0045C

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed January 25, 2008, under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on October 4, 2007 with an unsigned declaration. Accordingly, on October 26, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the present petition was filed seeking satus under 37 CFR 1.47(a) and claiming that four of the eight joint inventors refuse to cooperate with the filing of the application.

In response, the instant petition was filed alleging that diligent efforts had been used to reach joint inventors, Anderson, Dungca and Shao because correspondence sent to them via Federal Express was returned as undeliverable and that while a copy of the application papers was sent and delivered to joint inventor Dulany, he has not returned an executed oath or declaration.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

The instant petition lacks item (1).

While the petition bears proof that the application papers were forwarded to and received by joint inventor Dulany, and that he has not returned an executed copy of the oath or declaration, petitioner's argument of diligence with respect to joint inventors Anderson, Dungca and Shao has not been established.[1]

Petitioners must provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the additional efforts to locate joint inventors Anderson, Dungca and Shao, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate them, send or give a copy of the application papers to them, and request that they sign and return the declaration. If repeated attempts to contact the non-signing inventors by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that they cannot be found despite diligent efforts.

If joint inventors Anderson, Dungca and Shao refuse in writing to sign the declaration, petitioners should provide a copy of that written refusals with any renewed petition. If a verbal refusal to sign is made to a person, details should be given in an affidavit or declaration of facts by a person having first hand knowledge of the facts of refusal.

If petitioners attempt to establish diligence by showing that they have conducted internet searches to locate joint inventors Anderson, Dungca and Shao, the agency would caution that identifying other possible addresses, by way of internet searches, is just a step in establishing diligence in locating a non-signing inventors.

The desired objective is to ensure that the non-signing inventors at least has an opportunity to view the application papers for an invention that the petitioners are claiming they have contributed to. It is petitioner's responsibility to at least use diligent efforts to afford them that opportunity.

It is suggested that petitioner make a showing that they have at least attempted to determine that the non-signing inventors are not one of those listed amongst the search results. The requirement is that petitioners present a showing that diligent efforts had been made to locate the non-signing inventors.

If it is found that joint inventors Anderson, Dungca and Shao are residing at a different address than that listed in the petition, petitioners should provide a new statement of the last known address in a renewed petition.

Additionally, a petition under 37 CFR 1.47 does in fact carry with it a requirement for a fee in the amount of $200.00 pursuant to 37 CFR 1.17(g). As such and as authorized

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[1] MPEP 409.03(d).

in the petition, deposit account no. 07-1445 has been charged in the amount $200.00. As well, since the period for reply was two months from the mailing of the Notice to File Missing Parts mailed October 26, 2007, a one month extension of time is required to avoid abandonment of the application. Thus, petitioner's deposit account no. 07-1445 has also been charged in the amount of $60.00 for the extension of time.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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APR 23 2008

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

In re Application of
Russell Anderson et al.
Application No. 11/867,602
Filed: October 4, 2007
Attorney Docket No. ISAA0045C

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the request for reconsideration filed March 18, 2008, under 37 CFR 1.47(a).[1]

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on October 4, 2007 with an unsigned declaration. Accordingly, on October 26, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, a petition was filed seeking status under 37 CFR 1.47(a) and claiming that four of the eight joint inventors refused to cooperate with the filing of the application. The petition was dismissed in a decision mailed February 12, 2008 because while it was established that the application papers were forwarded to and received by joint inventor Dulany, and that he has not returned an executed copy of the oath or declaration, petitioner's argument of diligence with respect to joint inventors Anderson, Dungca and Shao was not established.[2]

The decision on petition required that petitioners provide details, in an affidavit or

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[1]A grantable petition under 37 CFR 1.47(a) requires:
(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and
(4) a statement of the last known address of the non-signing inventor.

[2]MPEP 409.03(d).

declaration of facts by a person with first hand knowledge of the details, of the additional efforts to locate joint inventors Anderson, Dungca and Shao, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate them, send or give a copy of the application papers to them, and request that they sign and return the declaration. If repeated attempts to contact the non-signing inventors by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that they cannot be found despite diligent efforts.

Comes now petitioner with evidence that joint inventor Anderson confirmed his address and that delivery of the application papers were attempted by FEDEX although unsuccessful. Additional evidence has been provided to show that the petitioner diligently followed up with joint inventor Anderson by email and that he failed to respond. The evidence also shows that joint inventor Dungca actually received the application papers sent via FEDEX but to date has failed to return executed copies of the oath or declaration. However, while the evidence shows that the application papers were sent to joint inventor Shao via FEDEX, and returned undeliverable, the evidence does not show that additional efforts were employed to locate Mr. Shao, to verify that the papers were sent to the last known address, or that additional efforts were utilized to have the application papers delivered to Mr. Shao.

In view thereof, the instant petition still lacks item (1).

If petitioners attempt to establish diligence by showing that they have conducted internet searches to locate joint inventor Shao, the agency would caution that identifying other possible addresses, by way of internet searches, is just a step in establishing diligence in locating a non-signing inventors.

The desired objective is to ensure that the non-signing inventors at least has an opportunity to view the application papers for an invention that the petitioners are claiming they have contributed to. It is petitioner's responsibility to at least use diligent efforts to afford them that opportunity.

It is suggested that petitioner make a showing that they have at least attempted to determine that the non-signing inventor is not one of those listed amongst the search results. The requirement is that petitioners present a showing that diligent efforts had been made to locate the non-signing inventor.

If it is found that joint inventor Shao is residing at a different address than that listed in the petition, petitioners should provide a new statement of the last known address in a renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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ONE FINANCIAL CENTER
BOSTON MA 02111

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JUN 03 2009

OFFICE OF PETITIONS

In re Application of :
Russell Anderson et al. :
Application No. 11/867,602 :
Filed: October 4, 2007 :
Attorney Docket No. **35006-632C01US** :

This decision treats the RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION, filed March 3, 2009, as a request for reconsideration under 37 CFR 1.47(a)[1]. This decision is also in response to the petition to revive the above-identified application under 37 CFR 1.137(b)[2] filed on even date.

The above-identified application was filed on October 4, 2007 with an unsigned declaration. Accordingly, on October 26, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, a petition was filed January 25, 2008 seeking status under 37 CFR 1.47(a)

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[1]A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

[2]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)).

and claiming that four of the eight joint inventors refused to cooperate with the filing of the application.

The petition was dismissed in a decision mailed February 12, 2008 because while it was established that the application papers were forwarded to and received by joint inventor Dulany, and that he has not returned an executed copy of the oath or declaration, petitioner's argument of diligence with respect to joint inventors Anderson, Dungca and Shao was not established.[3]

The decision on petition required that petitioners provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the additional efforts to locate joint inventors Anderson, Dungca and Shao, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate them, send or give a copy of the application papers to them, and request that they sign and return the declaration. If repeated attempts to contact the non-signing inventors by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that they cannot be found despite diligent efforts.

A request for reconsideration was filed March 18, 2008 with evidence that joint inventor Anderson confirmed his address and that delivery of the application papers were attempted by FEDEX although unsuccessful. Additional evidence was provided to show that the petitioner diligently followed up with joint inventor Anderson by email and that he failed to respond. The evidence also showed that joint inventor Dungca actually received the application papers sent via FEDEX but failed to return executed copies of the oath or declaration.

While the evidence showed that the application papers were sent to joint inventor Shao via FEDEX, and returned undeliverable, the evidence did not show that additional efforts were employed to locate Mr. Shao, to verify that the papers were sent to the last known address, or that additional efforts were utilized to have the application papers delivered to Mr. Shao. The request for reconsideration was dismissed in a decision mailed April 23, 2008 and set a two month period for reply. No reply having been filed, the application became abandoned June 24, 2008. Accordingly, a Notice of Abandonment was mailed February 17, 2009.

Comes now petitioner arguing that the instant application is a continuation of application no. 09/675,412 and requesting that the fully executed declaration, including the signature of joint inventor Shao, previously filed in application no. 09/675,412 be accepted as the response to the "Notice To File Missing Parts of Nonprovisional Application" mailed October 26, 2007.

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[3] MPEP 409.03(d).

In view thereof and in accordance with 37 CFR 1.63(d), there is no need to treat the petition filed under 37 CFR 1.47(a). This application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

The petitions filed under 37 CFR 1.47 on January 25, 2008 and renewed March 18, 2008 are **DISMISSED** as involving moot issues.

In view of the above and as all requirements under 37 CFR 1.137 (b) have been satisfied, the petition to revive is **GRANTED**.

This matter will be referred to the Office of Patent Application Processing for further pre-examination processing using the declaration from parent application no. 09/675,412 in response to the "Notice To File Missing Parts of Nonprovisional Application" mailed October 26, 2007.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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1290 Avenue of the Americas
NEW YORK NY 10104-3800

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JUN 17 2010

OFFICE OF PETITIONS

In re Application of
TERRANCE KAISERMAN ET AL.
Application No. 11/867,606
Filed: October 4, 2007
Attorney Docket No. **03875.001700.**

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 May 3, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) 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 JoAnne Burke at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/867,644	10/04/2007	Michael J. Ure	071004SBM.US	9432

30232 7590 11/09/2007
MICHAEL J. URE
10518 PHIL PLACE
CUPERTINO, CA 95014

EXAMINER

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
11/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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102007

BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

NOV - 9 2007

In re Application of: Shingo Hattori et al. Serial No.: 11/867,644 Filed: October 15, 2007 Docket: 076376.0755 Title: INK CARTRIDGES	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102

This is a decision on the petition filed on October 15, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d).

The petition to make the application special is DENIED.

Effective August 25, 2006, the accelerated examination procedure outlined under MPEP 708.02.VIII was replaced by the new accelerated examination procedure outlined in MPEP 708.02(a) and in the Federal Register, vol. 71, No. 122 of June 26, 2006 (71 Fed. Reg. 36323).

To be eligible for accelerated examination under MPEP § 708.02(a) in accordance with 37 C.F.R. § 1.102(d), the following conditions are required:

1. the application is not a reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. the application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under MPEP 70-8.02(a), and in accordance with 37 C.F.R. § 1.102(d) because it was not in condition for examination at

the time of filing as evidenced by the mailing of a Notice to File Corrected Application Papers on October 23, 2007, requiring that new drawing figures 5a through 5c that are reasonably free from erasure and free from alterations, overwriting, interlineations, folds and copy marks be submitted.

For the above-stated reason, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

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APR 09 2009

OFFICE OF PETITIONS

In re Application of
Matthew Tebbs, et. al.
Application No. 11/867,676
Filed: October 4, 2007
Attorney Docket No. PURE-1-1-1004

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 18, 2009, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application mailed on October 23, 2007. A Notice of Abandonment was mailed on January 22, 2009.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Thomas J. Fame appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Frame desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The petition is **dismissed**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (3).

The instant petition fails to contain a proper S-signature of Thomas J. Frame. Therefore, the statement of unintentional delay cannot be accepted at this time.

The requirements for an S-signature under 37 CFR 1.4 (d)(2) are as follows:

(i) The S-signature must consist only of letters, or Arabic numerals, or both, with appropriate spaces and commas, periods, apostrophes, or hyphens for punctuation, and the person signing the correspondence must insert his or her own S-signature with a first single forward slash mark before, and a second single forward slash mark after, the S-signature (e.g., /Dr. James T. Jones, Jr./); and

(ii) A patent practitioner (§ 1.32(a)(1)), signing pursuant to §§ 1.33(b)(1) or 1.33(b)(2), must supply his/her registration number either as part of the S-signature, or immediately below or adjacent to the S-signature. The number (#) character may be used only as part of the S-signature when appearing before a practitioner's registration number; otherwise the number character may not be used in an S-signature.

(iii) The signer's name must be:

(A) Presented in printed or typed form preferably immediately below or adjacent the S-signature, and

(B) Reasonably specific enough so that the identity of the signer can be readily recognized.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $65 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and petitioner may request that a refund of $65 be credited to the credit card 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.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 35 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Thomas J. Frame
Patent Capital Group - Cisco
6119 McCommas
Dallas, TX 75214

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE, WA 98104

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JUN 18 2009
OFFICE OF PETITIONS

In re Application of :
Matthew Tebbs, et. al. :
Application No. 11/867,676 : ON PETITION
Filed: October 4, 2007 :
Attorney Docket No. PURE-1-1-1004 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 24, 2009, to revive the above-identified application.

The present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Thomas J. Frame appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

In response to the decision mailed April 9, 2009, petitioner filed the present petition with a proper s-signature. It is noted that the $65 surcharge and $125 for claims in excess of twenty was previously filed on April 14, 2008.

Since the renewed petition satisfies the requirements of 37 CFR 1.137(b), the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for 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

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.
11/867,683	10/04/2007	William G. Barrett JR.	ICS 18B	9499

61650 7590 11/09/2007
MYERS WOLIN, LLC
100 HEADQUARTERS PLAZA
North Tower, 6th Floor
MORRISTOWN, NJ 07960-6834

EXAMINER
SOOHOO, TONY GLEN

ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
11/09/2007	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):

harris.wolin@myerswolin.com
brian.myers@myerswolin.com
mail@myerswolin.com

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11-9-07

In re application of William G. Barrett Jr. Serial No. 11/867,683 Filed: October 4, 2007 For: COMPOSITION FOR AND METHOD OF PUMPING CONCRETE	: : : : : :	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on October 4, 2007 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **GRANTED.**

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

Christine Tierney

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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BAKER BOTTS, LLP
910 LOUISIANA
HOUSTON TX 77002-4995

In re Application of	:
Mehta et al	:
Serial No.: 11/867,717	: PETITION DECISION
Filed: October 5, 2007	:
Attorney Docket No.: 019856.0169	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed February 11, 2008. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

A review of the application record indicates that the petition lacks the amendment to the specification as required by 37 CFR 1.84(a)(2). Applicants should submit a renewed petition accompanied by the amendment. No additional petition fee will be required.

The petition is **DISMISSED**.

Should there be any questions with respect to this decision, please contact Marianne C. Seidel, by mail addressed to: Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile transmission at 571-273-8300.

Marianne C. Seidel
Special Program Examiner
Technology Center 1600

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TO	USPTO / Attn: Marianne C. Seidel U. S. Serial No. 11/867,717 Our Ref: 019856.0169	FAX NO. VOICE NO.	571 273-8300

MESSAGE

The following is our Response to Petition Decision for the above-referenced matter. If you have any questions, please do not hesitate to contact us.

Thank you.

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The information contained in and transmitted with this facsimile is: 1. Subject to the Attorney-client Privilege; 2. Attorney Work Product; or 3. Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. If you have received this facsimile in error, please notify Baker Botts L.L.P. by telephone at 713.229.1730 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. Mail or, if authorization is granted by the sender, destroyed.

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Client Reference: MDA07-016 U.S.S.N. 11/867,717

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	**Mehta et al.**	Customer No.:	**023640**
Serial No.:	**11/867,717**	Confirmation No.:	**9554**
Filed:	**October 5, 2007**	Group Art Unit:	**N/A**
Examiner:	**N/A**	Atty Docket No.:	**019856.0169**
For:	**Methods for treating cancer targeting transgluaminase**		

Marianne C. Seidel
Director, Technology Center 1600
FAX: 571.273.8300

Response to Petition Decision

Dear Ms. Seidel:

Applicants respectfully request reconsideration of the petition decision regarding Applicant's Petition for Acceptance of Color Drawings. Applicant's petition was dismissed as lacking an amendment adding the statement required by 37 C.F.R. § 1.84(a)(2).

The statement required by 37 C.F.R. § 1.84(a)(2), however, was included in Applicant's application as originally filed. On page 17 of the originally filed specification, paragraph 44 states:

> "[0044] The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

Accordingly, Applicant's believe dismissal of its Petition for Acceptance of Color Drawings was in error, and Applicant's request acceptance of its Petition for Acceptance of Color Drawings filed February 11, 2008.

Respectfully submitted,
BAKER BOTTS L.L.P. (023640)

By: _____

Paul Morico, Reg. No. 35,960
BAKER BOTTS L.L.P.
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Houston, Texas 77002-4995
Telephone: 713.229.1732
Facsimile: 713.229.7732
Email: paul.morico@bakerbotts.com

Date: March 13, 2008

PAGE 2/2 * RCVD AT 3/13/2008 2:41:46 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/40 * DNIS:2738300 * CSID:7132291522 * DURATION (mm-ss):01-36

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Paper No.

HOPE BALDAUFF HARTMAN, LLC
1720 PEACHTREE STREET, N.W
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ATLANTA GA 30309

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JUN 0 9 2008

In re Application of	:	
Robert Calvert, Terry Masty	:	DECISION ACCORDING STATUS
and Charles Bowser	:	UNDER 37 C.F.R. § 1.47(a)
Application No. 11/867,757	:	
Filed: October 5, 2007	:	
Atty Docket No. 60027.5095US01/	:	
070150	:	

This is in response to the PETITION UNDER 37 C.F.R. § 1.47(a) filed April 4, 2008.

The petition is **GRANTED**.

The above-identified application was filed on October 5, 2007, with a declaration executed by joint inventors Calvert and Masty. The declaration was missing the signature of joint inventor Bowser, but no petition under 37 CFR 1.47(a) accompanied the filing. By Notice to File Missing Parts of Nonprovisional Application mailed January 15, 2008, applicants were required to provide the signature of inventor Bowser on an executed oath or declaration and the surcharge for its late filing. (In addition, applicants were required to submit replacement drawings). The Notice set a two (2) month time limit for response, with extensions of time obtainable under § 1.136(a).

In response, applicants filed the instant petition (and petition fee), and the required late surcharge. This response was made timely by a petition and fee for extension of time for response within the first month. Applicants assert that status under

1.47(a) is proper because joint inventor Bowser has refused to join in the application.

By declaration of patent practitioner "Steven" Koon Hon Wong (and supporting documentary evidence) applicants have shown that a copy of the application papers (specification, including claims, drawings, and oath or declaration) was presented to the nonsigning inventor by certified mail on January 25, 2008. The petition includes a copy of the certified mail receipt signed by inventor Bowser. Applicants have shown that inventor Bowser, by his conduct in not responding to the request to sign the declaration, has refused to join in the application.

The declaration filed October 5, 2007, has been reviewed and found in compliance with § 1.63. The petition includes payment of the petition fee and the last known address of inventor Bowser.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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CHARLES BOWSER
1603 COUNTRY WOOD DRIVE
HOSCHTON, GA 30548

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JUN 0 9 2008

In re Application of	:	
Robert Calvert, Terry Masty	:	
and Charles Bowser	:	
Application No. 11/867,757	:	LETTER
Filed: October 5, 2007	:	
Atty Docket No. 60027.5095US01/	:	
070150	:	

Dear Mr. Bowser:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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ROSSI, KIMMS & MCDOWELL LLP.
20609 GORDON PARK SQUARE, SUITE 150
ASHBURN VA 20147

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OFFICE OF PETITIONS

In re Application of

HANSEN, Hans J. et al.
Application No. 11/867,775
Filed: October 05, 2007,
Attorney Docket No. **IMMU:018US3**

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 05, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by David M. Goldberg attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 1643 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions