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.

LONGMAN RUSSO
A PROFESSIONAL LAW
CORPORATION
P.O. DRAWER 3408
LAFAYETTE LA 70502-3408

COPY MAILED
JUN 0 9 2008

In re Application of	:	
Iqbal Lakhani, Tokunosuke Ito	:	DECISION REFUSING STATUS
Brian Zerb, Long Zhao and	:	UNDER 37 CFR 1.47(a)
Robert Do	:	
Application No. 11/895,359	:	
Filed: August 24, 2007	:	
Attorney Docket No. 3380.10	:	

This is a decision on the "PETITION BY JOINT INVENTORS FILING ON BEHALF OF OTHER JOINT INVENTOR WHO REFUSES TO JOIN IN APPLICATION OR CANNOT BE REACHED (37 C.F.R. §1.47(A)" filed January 17, 2008.

The petition is **DISMISSED**.

Rule 47 applicants 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 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath(s) or declaration(s) executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on August 24, 2007, without an executed oath or declaration. Accordingly, on September 20, 2007, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring

submission of an executed oath or declaration and the surcharge for late filing under § 1.16(e).

In response, rule 47 applicants filed the instant petition, along with payment of the petition fee and the late surcharge. The petition includes a declaration executed by inventors Ito, Zerb, Zhao and Do on behalf of themselves and on behalf of non-signing inventor Lakhani. Rule 47 applicants assert that status under § 1.47(a) is proper because the non-signing inventor refuses to sign the combined declaration and power of attorney. In support thereof, applicants submit the statement of Dr. Tokunosuke Ito.

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. The instant petition does not satisfy requirement (1).

Rule 47 applicants have not submitted adequate proof that the non-signing inventor has refused to join in the application. Before a refusal can be alleged, applicants must demonstrate that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. 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. See MPEP 409.03(d).

In this instance, applicants have not presented sufficient evidence that inventor Lakhani was ever presented with all of the application papers (specification, claims and drawings) for review and signature. Dr. Ito states that "Lakhani was sent, and to the best of the Undersigned's knowledge, Lakhani received copies of the patent application as filed on 24 April 2007." Dr. Ito does not state how and when inventor Lakhani was presented with the application papers. The petition includes a copy of the letter and the delivery history for the letter sent

to the inventor transmitting the declaration and assignment document. Further, the petition includes copies of email communications discussing the transmission of the declaration and assignment document. Yet, the petition does not include any such evidence of the transmission of the application papers to inventor Lakhani. Absent proof that inventor Lakhani was sent and received the application papers, the Office cannot infer from his failure to respond to any request to sign the declaration that he has refused to join in the application.

The inventor must be able to review the application before he can sign a declaration for patent. As such, if the application papers were sent by email, the evidence must show that the inventor was able to open and review the email. In most instances, this would require a response by the inventor stating that he reviewed the email, but is refusing to join in the application.

Furthermore, when it is concluded by the 37 CFR 1.47 applicant that a non-signing 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 non-signing inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition. MPEP 409.03(d).

Moreover, the proof that was submitted suggests that Peter Choy or attorney Domingue were involved in the presentation of any papers to the inventor. However, Dr. Ito makes the "first hand knowledge" statement, prefacing his comments with "to the best of the Undersigned's knowledge." Applicants are reminded that the rules of practice require that the statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein.

It is noted that a declaration in compliance with §1.63 executed by inventor Lakhani is a proper response to this decision. However, any such declaration should not have any non-dated and non-initialled changes.

The Office acknowledges receipt of the $385 check for consideration of the petition under 1.47 (and payment of the

extension of time fee of $230 and the late surcharge of $65). However, the required petition fee is $200. A deficiency of $70 has been charged to petitioner's Deposit Account, as authorized.

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

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

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

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

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No:

Jones, Walker, Waechter,
Poitevent, Carrere,
Denegre, L.L.P.
5th Floor, Four United Plaza
8555 United Plaza Boulevard
Baton Rouge LA 70809

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Iqbal Lakhani, Tokunosuke Ito	:	DECISION ACCORDING STATUS
Brian Zerb, Long Zhao and	:	UNDER 37 CFR 1.47(a)
Robert Do	:	
Application No. 11/895,359	:	
Filed: August 24, 2007	:	
Attorney Docket No. 3380.10	:	

This is a decision on the REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a) filed October 31, 2008.

The petition is **GRANTED**.

The above-identified application was filed on August 24, 2007, without an executed oath or declaration. In response to the "Notice to File Missing Parts of Nonprovisional Application" mailed September 20, 2007, on January 17, 2008, applicants filed the initial PETITION BY JOINT INVENTORS FILING ON BEHALF OF OTHER JOINT INVENTOR WHO REFUSES TO JOIN IN APPLICATION OR CANNOT BE REACHED (37 C.F.R. §1.47(A). By decision mailed June 9, 2008, the petition was dismissed. The petition did not include adequate proof that the non-signing inventor Lakhani refused to join in the application. Specifically, applicants did not present sufficient evidence that inventor Lakhani was ever presented with all of the application papers (specification, claims and drawings) for review and signature.

The instant renewed petition is made timely by an accompanying petition for three-month extension of time. By affidavit of Robert Waddell, and supporting documentary evidence, applicants have submitted adequate proof that inventor Lakhani was presented all of the application papers by email and by Federal Express delivery. The petition includes the Federal Express delivery receipt and a response by email from inventor Lakhani. This proof shows that inventor Lakhani received the application papers and refused to join in the application.

Applicants have now met all requirements of 37 CFR 1.47(a).

The declaration filed January 17, 2008 has been reviewed and found in compliance with § 1.47(a).

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

Iqbal Lakhani
22 Charlton Rd.
Sherwood Pk. AB
CANADA
T8H 1PG

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Iqbal Lakhani, Tokunosuke Ito :
Brian Zerb, Long Zhao and :
Robert Do : LETTER
Application No. 11/895,359 :
Filed: August 24, 2007 :
Attorney Docket No. 3380.10 :

Dear Mr. Lakhani:

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

Robert Waddell
Jones, Walker, Waechter,
Poitevent, Carrere,
Denegre, L.L.P.
5th Floor, Four United Plaza
8555 United Plaza Boulevard
Baton Rouge LA 70809

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.
11/895,363	08/24/2007	Tae-Kyoung Kang	SDIYPL.157AUS	2615

7590 11/02/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
11/02/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Tomi Furmes

Patent Publication Branch
Office of Data Management

Repln. Rec: 10/30/2009 NFARMER 0012203090
DRM:111410 Name/Number:11895363
FC: 9204 $500.00 CR

Adjustment date: 10/30/2009 NFARMER
08/27/2007 MDEMESS1 00000043 11895363
03 FC:1111 -500.00 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
www.uspto.gov

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE, 32ND FLOOR
CHICAGO IL 60606

COPY MAILED

SEP 18 2007

OFFICE OF PETITIONS

In re Application of :

BAKER, Allie M. :
Application No. 11/895,375 :
Filed: August 23, 2007 :
Attorney Docket No. **07-079** :

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 23, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the statement of inventor Allie M. Baker, attesting to his or her age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Initial Patent Examination.

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

The application is being forwarded to the Office of Initial Patent Examination for processing and will be accorded "special" status when pre-examination is complete.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCDONNELL BOEHNEN HULBERT & BERGHOFF
LLP/GOODRICH CORPORATION
300 S. WACKER DRIVE, SUITE 3100
CHICAGO IL 60606

MAILED

SEP 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Allie M. Baker	:	
Application No. 11/895,375	:	DECISION GRANTING PETITION
Filed: August 23, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 07-079	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 17, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 31, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2872 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARSHALL & MELHORN LLC
FOUR SEAGATE - EIGHTH FLOOR
TOLEDO OH 43604

COPY MAILED

OCT 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Hannelore Ehrenreich	:	
Application No. 11/895,398	:	ON PETITION
Deposited: August 24, 2007	:	
Attorney Docket No. 1-18164	:	

This is in response to the paper titled "RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONSAL [sic] APPLICATION", filed December 27, 2007, requesting that the above-referenced application be accorded a filing date of August 24, 2007. This paper is being treated as a petition filed pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on August 24, 2007. However, on November 14, 2007, the Office of Patent Application Processing mailed applicant a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings. Applicant requests that the application be accorded the filing date of June 2, 2008 pursuant to an explicit incorporation by reference statement present in the first line of the specification presented on filing.

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[.]

Receipt of the drawing, submitted with the instant petition, is acknowledged, as are the drawings and amendment filed on March 3, 2008.

To the extent the instant petition requests a filing date of August 24, 2007 with no drawings present in the application on filing, the petition is **GRANTED**.

Given the basis for granting this petition, the $130 petition fee is being refunded to petitioner under separate cover.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to August 24, 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 Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

MAILED

FEB 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Conroy et al.	:	
Application No. 11/895,409	:	ON PETITION
Filed: August 24, 2007	:	
Attorney Docket No. 0320-096	:	

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.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. 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.

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.

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

Joan Olszewski

Joan Olszewski
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

POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

MAILED

FEB 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Kevin M. Conroy et al.	:	
Application No. 11/895,410	:	NOTICE
Filed: August 24, 2007	:	
Attorney Docket No. 0320-110	:	

This is a notice regarding your request filed December 18, 2009, 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**.

There is no indication that the person signing the petition/request was ever given a power of attorney to prosecute the application. However, in accordance with 37 CFR 1.34, the signature of Steven M. duBois appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Steven M. duBois desires to be acknowledged as the attorney of record the appropriate power of attorney document must be submitted.

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnna 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
www.uspto.gov

POTOMAC PATENT GROUP PLLC
P. O. BOX 270
FREDERICKSBURG VA 22404

COPY MAILED
MAR 02 2010

In re Application of	:	
Negar Moshiri, et al.	:	
Application No. 11/895,412	:	NOTICE
Filed: August 24, 2007	:	
Attorney Docket No. 0320-111	:	

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 the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DRINKER BIDDLE & REATH LLP
ATTN: PATENT DOCKET DEPT.
191 N. WACKER DRIVE, SUITE 3700
CHICAGO IL 60606

COPY MAILED

SEP 28 2007

OFFICE OF PETITIONS

In re Application of	:
Shuji Yoneyama	:
Application No. 11/895,448	:DECISION GRANTING PETITION
Filed: August 23, 2007	:
Attorney Docket No. P2764US	:

This is a decision on the communication received by facsimile transmission on September 19, 2007, which is being treated as a petition requesting that the above-identified application be accorded a filing date of August 23, 2007, rather than the presently accorded date of August 24, 2007. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition indicates that this application was deposited in Express Mail Service on August 23, 2007. In support, the petition is accompanied by a copy of Express Mail receipt No. EV265819727US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of August 23, 2007. Additionally, the petition is accompanied by a USPS Track & Confirm record of the search results for the Express Mail package at issue, which shows that the package was accepted by the Chicago, IL USPS on August 23, 2007, at 9:06 PM.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on August 23, 2007.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **August 23, 2007** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed the undersigned at (571) 272-3218. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 03 2010

OFFICE OF PETITIONS

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Wilton Viana	:	
Application No. 11/895,529	:	DECISION ON PETITION
Filed: August 24, 2007	:	TO WITHDRAW
Attorney Docket No. 3194-8499US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 29, 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. This change has been made in order to avoid subsequent correspondence being directed to an incorrect address or to a practitioner who has not been appointed as practitioner of record by the applicant.

Accordingly, the request to withdraw from record cannot be approved because the change of 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, who has properly intervened.

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

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

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of
Wilton Viana
Application No. 11/895,529
Filed: August 24, 2007
Attorney Docket No. 3194-8499US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 5, 2010.

The request is **APPROVED**.

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

The request was signed by Laurence B. Bond on behalf of all attorneys/agents associated with customer number 24247. All attorneys/agents associated with customer number 24247 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Wilton Viana
Rua Elisiario Pires de Camargo
152, Jd. Chapadao
Campinas, Sao Paulo
Brazil 13070-099

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
11/895,529	08/24/2007	Wilton Viana	3194-8499US

CONFIRMATION NO. 1660

POWER OF ATTORNEY NOTICE

24247
TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

OC000000041079192

Date Mailed: 04/12/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/05/2010.

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

/kainabinet/

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

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

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

Mail Date: 04/21/2010

Applicant	: Andrei G. Fedorov	: DECISION ON REQUEST FOR
Patent Number	: 7595487	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/895,532	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

Mail Date: 05/18/2010

Applicant : Andrei G. Fedorov
Patent Number : 7595487
Issue Date : 09/29/2009
Application No : 11/895,532
Filed : 08/24/2007

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AT&T LEGAL DEPARTMENT - SZ
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT&T WAY
BEDMINSTER NJ 07921

COPY MAILED

SEP 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Hicks, John A. III	:	
Application No. 11/895,548	:	ON PETITION
Filed: August 24, 2007	:	
Attorney Docket No. 040230 CON	:	

This is a decision on the petition under 37 CFR 1.181, filed July 17, 2009, requesting the withdrawal of the holding of abandonment in the above-identified application and has been so treated.

The petition to withdraw the holding of abandonment is **GRANTED.**

The above-identified application was held abandoned for failure to timely and properly reply to the non-final Office action mailed December 16, 2008, which set a shortened statutory period for reply of three (3) months. A reply was due on or before March 16, 2009. A Notice of Abandonment was mailed on July 7, 2009.

A Terminal Disclaimer was submitted on March 10, 2009 by the petitioner. However, it listed the application number as 11/895,458, rather than the proper 11/895,548. For this reason, the Terminal Disclaimer was "disapproved' by the paralegal in the Technology Center. However, under current Office procedure, a response that has an incorrect application number is handled in accordance with MPEP 508.03. If a paper having an incorrect application number contains sufficient information to identify the correct application and was timely filed, the holding of abandonment will be withdrawn. In reviewing the papers submitted, it is concluded that the information contained thereon was sufficient to associate the papers with the instant file. It is further noted that the correct application number was listed on page 2 of the Terminal Disclaimer.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status. A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee and none has been charged.

This matter is being referred to Technology Center AU 2612 for further examination on the merits.

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John E. Vandigriff
906 Stone Circle Ln
Lewisville, TX 75056

COPY MAILED
NOV 26 2008

In re Application of	:	
James Adams	:	
Application No. 11/895,578	:	DECISION ON PETITION
Filed: August 27, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ADA101	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 27, 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 from a registered practitioner that he or she has evidence that the applicant 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 Shelley Clement at (571)272-6052 or in her absence to the undersigned at (571)272-7099.

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

The application is being forwarded to the Technology Center Art Unit 3677 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mauriel Kapouytian & Treffert LLP
151 First Avenue #23
New York, NY 10003

Mail Date: 05/17/2010

Applicant	: Ning Xue	: DECISION ON REQUEST FOR
Patent Number	: 7642812	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/895,594	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **39** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

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

Application Information

Application Number	11/895,607	Confirmation Number	2006	Filing Date	2007-08-24
Attorney Docket Number (optional)	9147.0008	Art Unit	3737	Examiner	Peter Luong
First Named Inventor	Ronald W. Schutz				
Title of Invention	FINGER MOUNTED PROBE ADAPTED FOR INTRAOPERATIVE USE				

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
Albert	H.	Krause	Jr.

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

Select (1) or (2) :

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

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

Signature	/Robert N. Lyman/	Date (YYYY-MM-DD)	2009-12-02
Name	Robert N. Lyman	Registration Number	64250

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Ronald W. Schutz

Application No. 11895607

Filed: August 24,2007

Attorney Docket No. 9147.0008

: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 02-DEC-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Micheal E. Zall
Two Yorkshire Drive
Suffern NY 10901

COPY MAILED
AUG 25 2008

In re Application of :
Haas :
Application No. 11/895,614 : ON PETITION
Filed: August 24, 2007 :
Attorney Docket No. 3.0-007CIP :
For: ONE PIECE SELF-EXPIRING SECURITY BADGE OR LABEL WITH DEVICES TO PRINT, ACTIVATE AND ISSUE THE TIME-LABEL AUTOMATICALLY

This decision is mailed in response to correspondence filed June 9, 2008, which is being treated as a feeless petition under 37 CFR 1.181 to withdraw the holding of abandonment.

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

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

This application was held abandoned for failure to timely and properly reply to the September 12, 2007 Notice to File Missing Parts of Nonprovisional Application, which set a two month extendable period for reply. No extensions of time being obtained under 37 CFR 1.136(a) and no complete reply being filed, the application became abandoned on November 13, 2007. A Notice of Abandonment was mailed on May 30, 2008..

Petitioner requests withdrawal of the holding of abandonment because applicant purportedly filed a complete reply on November 8, 2007.

The September 12, 2007 Notice required applicant to submit the basic filing fee, the search fee, the examination fee, a fee for 1 independent claim over 3, a $65.00 surcharge, an executed declaration, and replacement drawings.

On November 8, 2007, applicant filed a $150.00 basic filing fee, a $250.00 search fee, a $100 examination fee, $100.00 in additional claim fees, a $65.00 surcharge, an executed declaration, and replacement drawings.

However, the fee amounts submitted on November 8, 2007 were not correct. A notice was published in the *Federal Register* on August 22, 2007 and in the *Official Gazette of the United States Patent and Trademark Office* on August 28, 2007 that stated as of September 30, 2007, a revised fee schedule was in effect. Therefore, when applicant paid fees on November 8, 2007, the revised fee schedule was in effect. On November 8, 2007, the basic filing fee was $155.00, the search fee was $255.00, the examination fee was $105.00, and the excess claim fee was $105.00. Applicant submitted the fees via credit card authorization. There was no deposit account authorization. As a result, applicant did not submit sufficient fees. As stated in the November 20, 2007 Notice of Incomplete Reply, applicant owed $20.00.

Regarding the replacement drawings: Applicant has not submitted complete replacement drawings. The replacement drawings filed on November 8, 2007 are labeled differently than the drawings filed on August 24, 2007. The drawings filed on August 24, 2007 did not contain a Figure 6. The drawings filed on November 8, 2007 include Figures 6 A-C. Applicant did not file Figures 10 A-G on November 8, 2007. It appears that applicant submitted original Figures 7 A-C as new Figures 6A-C and continued to renumber the replacement drawing figures until all figures originally filed on August 24, 2007 were renumbered. As a result, there is no Figure 10 A-G among the drawings filed on November 8, 2007. The Notice of Incomplete Reply, mailed November 20, 2007, pointed out that Figure 10 had not been corrected. This is because no drawing labeled "Figure 10" was filed on November 8, 2007.

It is apparent that applicant should amend the specification and/or drawings to correct the inconsistency in identifying the drawings.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

Petitioner is encouraged to file a petition to revive under the unintentional delay standard of 37 CFR 1.137(b). The required reply is the $20.00 fee balance due and an amendment to the specification and/or drawings.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

NOV 0 5 2008

OFFICE OF PETITIONS

Micheal E. Zall
Two Yorkshire Drive
Suffern NY 10901

In re Application of
Haas
Application No. 11/895,614
Filed: August 24, 2007
Attorney Docket No. 3.0-007CIP
For: ONE PIECE SELF-EXPIRING SECURITY BADGE OR LABEL WITH DEVICES TO PRINT, ACTIVATE AND ISSUE THE TIME-LABEL AUTOMATICALLY

ON PETITION

This decision is mailed in response to petition under 37 CFR 1.137(b), filed September 17, 2008 (certificate of mailing date September 14, 2008) to revive the above-identified application.

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

This application was held abandoned for failure to timely and properly reply to the September 12, 2007 Notice to File Missing Parts of Nonprovisional Application, which set a two month extendable period for reply. No extensions of time being obtained under 37 CFR 1.136(a) and no complete reply being filed, the application became abandoned on November 13, 2007. A Notice of Abandonment was mailed on May 30, 2008.

Applicant has submitted a proper reply to the September 12, 2007 Notice in the form of corrected drawings, a substitute specification, the basic filing fee, search fee, examination fee, excess claim fee, and surcharge, an acceptable statement of the unintentional nature of the delay in responding to the September 12, 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

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

RG & ASSOCIATES
1103 TWIN CREEKS
STE. 120
ALLEN TX 75013

MAILED

MAY 04 2010

OFFICE OF PETITIONS

In re Application of	:	
Schmidt et al.	:	
Application No. 11/895623	:	
Filing or 371(c) Date: 08/24/2007	:	
Attorney Docket Number: Perftech0012007	:	ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed February 1, 2010.

This Petition is hereby **dismissed**.

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

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed January 22, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned March 23, 2008. A Notice of Abandonment was mailed September 30, 2008.

Applicant files the present petition, petition fee and surcharge for late filing of the additional application filing fee; however, applicant has not filed the additional examination fee ($15.00).

A Grantable Petition Under 37 CFR 1.137(b)

A grantable petition pursuant to this paragraph must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

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

The required reply

As to item (**1**), the reply does not include the additional filing fee ($15.00) as required by the Notice.

The petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition and include a reply to the Notice's requirement for additional examination fee.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

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

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RG & ASSOCIATES
1103 TWIN CREEKS
STE. 120
ALLEN TX 75013

MAILED

JUN 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Schmidt et al.	:	
Application No. 11/895623	:	
Filing or 371(c) Date: 08/24/2007	:	
Attorney Docket Number: Perftech0012007	:	ON PETITION

This is a decision on the renewed Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed May 10, 2010.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed January 22, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned March 23, 2008. A Notice of Abandonment was mailed September 30, 2008.

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

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

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

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

DEC 07 2009

OFFICE OF PETITIONS

In re Application of
Haris Zismopoulous et al.
Application No. 11/895,625
Filed: August 23, 2007
Attorney Docket No. 9010/96660(07-0008)

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 September 10, 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 20872 has been revoked by the assignee of the patent application on October 9, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

JoAnne Burke
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

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.
11/895,640	08/23/2007	Douglas H. Rose	10031.001810	1916

74254 7590 02/19/2010
Okamoto & Benedicto LLP
P.O. Box 641330
San Jose, CA 95164-1330

EXAMINER
GARDNER, SHANNON M

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/19/2010	PAPER

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

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

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

Okamoto & Benedicto LLP
P.O. Box 641330
San Jose CA 95164-1330

FEB 19 2010

In re Application of	:	
Rose et al.	:	DECISION ON PETITION
Application No. 11/895,640	:	TO MAKE SPECIAL UNDER
Filed: 8/23/2007	:	THE GREEN TECHNOLOGY
Attorney Docket No. **10031.001810**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 2/8/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

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

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

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/12/10

TO SPE OF : ART UNIT 2819

SUBJECT : Request for Certificate of Correction for Appl. No.: 11895643 Patent No.: 7609090

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

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

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

Comments: _____

Formatted: Indent: Left: 1.22"
Formatted: Bullets and Numbering

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Rexford Barnie/ Art Unit 2819

SPE 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

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Maik Hach	: DECISION ON REQUEST FOR
Patent Number	: 7645415	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/895,648	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/24/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **335** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

Gildo E. Fato
Law Offices Laurence M. Dunlap, Ltd.
14047 Petronella Drive, Suite 202-B
Libertyville, IL 60048

COPY MAILED

NOV 17 2008

OFFICE OF PETITIONS

In re Application of	:	
John Charin Somberg, et al.	:	
Application No. 11/895,655	:	DECISION ON PETITION
Filed: August 27, 2007	:	TO WITHDRAW
Attorney Docket No. S-0004	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 28, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Gildo Fato 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 John Charin Somberg 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: **John C. Somberg, MD.**
210 So. Saunders Road
Lake Forest, IL 60045

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
11/895,655	08/27/2007	John Charin Somberg	S-0004

CONFIRMATION NO. 2268

POWER OF ATTORNEY NOTICE

Gildo E. Fato
Law Offices Laurence M. Dunlap, Ltd.
14047 Petronella Drive, Suite 202-B
Libertyville, IL 60048

OC000000033126774

Date Mailed: 11/17/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/28/2008.

- 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

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

Paper No.

Michael Haddad
18945 Cross Country Lane
Gaitherburg MD 20879

COPY MAILED

SEP 1 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Michael Haddad	:	
Application No. 11/895,656	:	DECISION ON
Filed: August 27, 2007	:	PETITION
Title: Airport Vehicular Gate	:	
Entry Access System	:	

This is a decision on the Petition to Withdraw from Abandonment filed June 30, 2008.

The above-identified application became abandoned for failure to reply to the Notice to File Corrected Application Papers mailed October 24, 2007. This Notice withdrew the previously mailed Notice mailed September 14, 2007, and set a two-month period for applicant to submit replacement drawings. A courtesy Notice of Abandonment was mailed on June 27, 2008.

In response, applicant timely filed the instant petition to withdraw the holding of abandonment based on nonreceipt of the Notice mailed October 24, 2007. *Pro se* applicant states that the Notice was never received at the correspondence address of record. In support thereof, pro se applicant submits their docket record.

A review of the application file reveals no irregularities in the mailing of the Notice mailed October 24, 2007. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption.

A review of the record reveals that a Notice to File Corrected Application Papers was previously mailed on September 14, 2007. This Notice required replacement drawings. Applicant was advised that the drawings submitted to the Office are not electronically reproducible because portions of figure 12 are missing and/or blurry. On October 11, 2007, applicant promptly filed a replacement drawing sheet containing figure 12 in response to the Notice. Nonetheless, thereafter, on October 24, 2007, the Office withdrew the Notice and again requested replacement drawings because figure 12 was not electronically reproducible. In addition, the Notice stated that drawings sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny and durable, and advised applicant to see figure 12. This is the Notice applicant maintains was never received. Then on June 27, 2008, the Office mailed a notice of abandonment. Within 3 days, applicant filed the instant petition.

Pro se applicant's argument and evidence have been considered, in light of the record, and it has been found persuasive to satisfy the showing of non-receipt.

In view thereof, the Notice of Abandonment mailed June 27, 2008 and holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

The application file is being forwarded to the Office of Patent Application Processing for withdrawal of the holding of abandonment and for mailing of a Notice to File Corrected Application Papers, if necessary, in light of the replacement drawing sheet containing figure 12 filed October 11, 2007. (It is unclear whether the Notice mailed October 24, 2007, had considered replacement drawing sheet filed October 11, 2007).

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

Nancy Johnson

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

TRIANGLE PATENTS, P.L.L.C.
P.O. BOX 28539
RALEIGH NC 27611-8539

COPY MAILED

MAR 31 2008

OFFICE OF PETITIONS

In re Application of	:	
GREISCHAR, et al.	:	
Application No. 11/895,705	:	DECISION ON PETITION
Filed: August 27, 2007	:	TO WITHDRAW
Attorney Docket No. **4003-007**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 3, 2007 and re-submitted October 4, 2007.

The request is **APPROVED.**

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

The request was signed by Jinan Glasgow on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **PATRICK J. GREISCHAR**
4908 N. CUMBERLAND BOULEVARD
WHITEFISH BAY, WI 53217

cc: **FOLEY & LARDNER**
150 EAST GILMAN STREET
VEREX PLAZA
MADISON, WI 53703

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

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

COPY MAILED

SEP 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Purifoy, et al.	:	
Application No. 11/895,708	:	ON PETITION
Filed: August 27, 2007	:	
Attorney Docket No. FA1530USNA	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed August 7, 2008.

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 September 17, 2007. This Notice set an extendable period for reply of two (2) months for applicant to submit an executed oath or declaration, together with the $130 surcharge for its late filing. No reply having been received, the application became abandoned on November 18, 2007. A Notice of Abandonment was mailed on June 5, 2008.

With the instant petition, applicants paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a declaration and surcharge.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OSHA LIANG LLP
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

COPY MAILED
DEC 04 2008

Applicant: Won-Talk Han, et al.
Appl. No.: 11/895,737
Filing Date: August 27, 2007
Title: METHOD FOR FABRICATING OPTICAL FIBER OR OPTICAL DEVICE DOPED WITH REDUCED METAL ION AND/OR RARE EARTH IONH
Attorney Docket No.: 17081/004002
Pub. No.: US 2007/0289333 A1
Pub. Date: December 20, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 17, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the abstract wherein several errors are noted.

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 abstract noted by requestor are not material Office errors under 37 CFR 1.221. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

[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 application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

JUL 06 2009

OFFICE OF PETITIONS

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

In re Application of	:	
David Russell	:	
Application No. 11/895,741	:	DECISION ON PETITION
Filed: August 27, 2007	:	TO WITHDRAW
Attorney Docket No. 15085-000001	:	FROM RECORD
	:	

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, 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 Monte L. Falcoff on behalf of attorney/agents associated with customer number 27572. All attorneys/agents associated with customer number 27572 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: David Russell, CEO
Superior Alignment Systems LLC
1043 Curtis Avenue
Petosky, MI 49770

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
11/895,741	08/27/2007	David Russell	15085-000001

CONFIRMATION NO. 2443

POWER OF ATTORNEY NOTICE

27572
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

OC000000036776046

Date Mailed: 07/02/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/27/2009.

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

/kainabinet/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 145
Alexandria, VA 22313-14
www.uspto.gov

KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

COPY MAILED
DEC 18 2007
OFFICE OF PETITIONS

In re Application of Torne Cubiro et al. Application No.11/895,752 Deposited: August 27, 2007 Attorney Docket No. 42P14728D Title of Invention: MAIZE NUCLEOTIDE SEQUENCE CODING FOR A PROTEIN WITH TRANSGLUTAMINASE ACTIVITY AND USE THEREOF	DECISION GRANTING PETITION UNDER 37 CFR 1.47(A)

This is in response to the petition under 37 CFR 1.47(a) filed August 27, 2007.

In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in Application No. 11/000,530 filed November 30, 2004, of which the instant filing is a divisional application. Furthermore, a copy of the decision, mailed November 30, 2004, granting a petition to accord § 1.47(a) status to the prior application has been obtained and 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 provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this continuation application.

Pursuant to petitioner's request, deposit account 11-1153 will be charged the $200.00 petition fee.

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARJAMA MULDOON BLASIAK & SULLIVAN LLP
250 SOUTH CLINTON STREET
SUITE 300
SYRACUSE NY 13202

COPY MAILED

MAY 06 2008

OFFICE OF PETITIONS

In re Application of
Charles P. Barber et al.
Application No. 11/895,803
Filed: August 27, 2007
Attorney Docket No. 283_280DIV

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed March 14, 2008 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on August 27, 2007 without a signed declaration. Accordingly, on September 14, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration executed by all inventors except joint inventor Carl W. Gerst III, a petition under 37 CFR 1.47(a) and a request for a four month extension of time was filed. The petition argues that joint inventor Gerst refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

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

The petition bears proof that the application papers were sent to Mr. Gerst and that he has verbally refused, in a telephone conversation with James A. Cairns, Director of Intellectual Property at Hand Held Products, Inc., to execute the oath or declaration and thus, to cooperate with the filing of the instant application. 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 Technology Center 2625 for examination in due course.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FAEGRE & BENSON LLP
PATENT DOCKETING - INTELLECTUAL PROPERTY (32469)
2200 WELLS FARGO CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-3901

MAILED

APR 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Yongxing Zhang, et al.	:	
Application No. 11/895,808	:	DECISION ON PETITION
Filed: August 28, 2007	:	
Attorney Docket No.: 279.569US2	:	

This is a decision on the communication, filed December 30, 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 timely respond to the Office action of March 24, 2009. A Notice of Abandonment was mailed on October 30, 2009. In response on December 30, 2009, the present petition was filed.

Petitioner states that a timely reply was mailed using a certificate of mailing dated April 24, 2009. Petitioner submits a copy of the previously mailed correspondence, including a transmittal letter bearing a certificate of mailing dated April 24, 2009 and the response to the Restriction Requirement. Petitioner also submitted a copy of the return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on April 28, 2009 of, *inter alia,* Response to Restriction Requirement (6 pgs.).

It is noted that the 6 page response to the Restriction Requirement acknowledged as having been received in the USPTO on April 28, 2009 is not of record in the application file and has not, to date, been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the response was lost after receipt in the USPTO.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status. The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on April 28, 2009, with a certificate of mailing dated April 24, 2009.

This application is being referred to Technology Center AU 3766 for appropriate action in the normal course of business on the reply received with petition.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHAILAJA SHIRODKAR
2 CHESTER MILL COURT
SILVER SPRING, MD 20906

COPY MAILED

JUN 0 6 2008

In re Application of	:	
Alexander SKIRPA	:	
Application No. 11/895,816	:	DECISION ON PETITION
Filed: August 28, 2007	:	TO WITHDRAW
Attorney Docket No. AS-02-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 April 3, 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: ALEXANDER SKIRPA
702 WEST MONTGOMERY AVENUE
ROCKVILLE, MD 20850

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

SHAILAJA SHIRODKA
2 CHESTER MILL COURT
SILVER SPRING, MD 20906

COPY MAILED

JUL 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Alexander SHIRPA	:	
Application No. 11/895,816	:	DECISION ON PETITION
Filed: August 28, 2007	:	TO WITHDRAW
Attorney Docket No. AS-02-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 June 20, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because the attorney of record was not appointed by Customer Number 45659, the attorney of record was appointed as an individual.

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: ALEXANDER SKIRPA
702 WEST MONTGOMERY AVENUE
ROCKVILLE, MD 20850

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

SHAILAJA SHIRODKAR
2 CHESTER MILL COURT
SILVER SPRING, MD 20906

COPY MAILED

SEP 1 1 2008

In re Application of	:	
Alexander SKIRPA	:	
Application No. 11/895,816	:	DECISION ON PETITION
Filed: August 28, 2007	:	TO WITHDRAW
Attorney Docket No. AS-02-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 28, 2008.

The request is **APPROVED**.

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

The request was signed by Shailaja Shirodkar the sole attorney of record. Shailaja Shirodkar has 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.

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ALEXANDER SKIRPA
702 WEST MONTGOMERY AVENUE
ROCKVILLE, MD 20850

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

OKAMOTO & BENEDICTO LLP
P.O. BOX 641330
SAN JOSE CA 95164

COPY MAILED

DEC 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
David L. Adler	:	DECISION GRANTING STATUS
Application No. 11/895,817	:	UNDER 37 CFR 1.47(b)
Filed: August 28, 2007	:	
Attorney Docket No. 10011.005910 (P1751)	:	

This is in response to the petition under 37 CFR 1.47(b), filed October 23, 2007 (certificate of mailing date October 18, 2007).

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, David L. Adler, 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 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVID L. ADLER
6060 GUADALUPE MINES COURT
SAN JOSE CA 95120

COPY MAILED

DEC 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
David L. Adler	:	LETTER
Application No. 11/895,817	:	
Filed: August 28, 2007	:	
Attorney Docket No. 10011.005910 (P1751)	:	

Dear Mr. Adler:

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 the 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: OKAMOTO & BENEDICTO LLP
P.O. BOX 641330
SAN JOSE CA 95164

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

HOWARD J. GREENWALD P.C.
70 LINDEN OAKS, THIRD FLOOR
ROCHESTER NY 14625

COPY MAILED

AUG 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Jennifer Eskra et al	:	
Application No. 11/895,841	:	NOTICE
Filed: August 28, 2007	:	
Attorney Docket No. JE-1185	:	

This is a notice in reply to the paper filed December 10, 2007, which is being treated as a request for acceptance of a fee deficiency under 37 CFR 1.28.

Your fee deficiency submission under 37 CFR 1.28 **has not** been accepted.

The deposit account (50-2753) indicated on the paper filed December 10, 2007, **is not** active at this time.

Petitioner stated that: "On the fee transmittal sheet, a copy of which is enclosed, the small entity status box was not checked and the correct fees for a large entity were recorded." However, small entity status **was indicated on the Utility Patent ApplicationTransmittal Letter** submitted with the application papers upon filing on August 28, 2007.

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

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

By hand: Customer Window located at:

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) 272-3208.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 07/23/2010

Applicant	: Bindu Prabhakar Rao	: DECISION ON REQUEST FOR
Patent Number	: 7652513	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/895,853	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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

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

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Katsumi Arai	: DECISION ON REQUEST FOR
Patent Number	: 7654827	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/895,862	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/28/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
COLUMBIA CENTER
701 FIFTH AVENUE, SUITE 6100
SEATTLE, WA 98104-7043

COPY MAILED

DEC 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey J. Cronin, et al.	:	
Application No. 11/895,894	:	DECISION GRANTING PETITION
Filed: August 27, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 06556.0003-04000	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 23, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 18, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2189 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GOODWIN PROCTER LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

MAILED

MAY 05 2010

OFFICE OF PETITIONS

In re Application of
Roland Buelow
Application No. 11/895,910
Filed: August 27, 2007
Attorney Docket No. THP-0016

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 25, 2010.

The request is **APPROVED**.

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

The request was signed by Paul Davis on behalf of all attorneys of record who are associated with customer No. 77845. All attorneys/agents associated with the Customer Number 77845 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. 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: ROLAND BUELOW
2747 ROSS ROAD
PALO ALTO, CA 94303

cc: ROCHE DIAGNOSTICS GMBH
NONNENWALD 2
PENZBERG D-82372 GERMANY

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
11/895,910	08/27/2007	Roland Buelow	THP-0016

CONFIRMATION NO. 3356

POWER OF ATTORNEY NOTICE

77845
Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

OC000000041376867

Date Mailed: 04/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/25/2010.

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

/amwise/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DUSTIN CHEYENNE STRAHLER
P O BOX 614
MARIETTA OH 45750

COPY MAILED
NOV 10 2008

In re Application of :
Strahler :
Application No. 11/895,916 :
Filed: August 28, 2007 : ON PETITION
Attorney Docket No. N/A :
For: CEMENT TRUCK ELEVATOR FOR ADDITIVES

This is a decision on the correspondence filed October 10, 2008, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

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

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

This application was held abandoned for failure to timely submit replacement drawings. A Notice to File Corrected Application Papers (Notice), mailed December 5, 2007, required applicant to submit $10.00 in additional claim fees and replacement drawings within two months of the mailing of the Notice. On February 4, 2008, the Office received a petition for a 60 day extension of time in order to file replacement drawings, but no petition fee. It appears that petitioner paid the $10.00 in additional claim fees. On February 27, 2008, the Office mailed a Notice of Incomplete Reply because the replacement drawings had not been filed. The application became abandoned on February 6, 2008. On September 15, 2008, the Office mailed a Notice of Abandonment.

Petitioner requests withdrawal of the holding of abandonment because the applicant's agent purportedly mailed replacement drawings "... way before the deadline."

Petitioner is informed that the Office has no record of receiving replacement drawings until October 10, 2008, when this correspondence was filed.

There are only two ways to get the Office to recognize a filing date other than the date of receipt for correspondence (other than original applications), in general:

(1) Petitioner must provide a copy of the original document with an affixed certificate of mailing listing the desired date as the date of deposit (See 37 CFR 1.8) OR
(2) Petitioner must provide a copy of an Express Mail label showing a "date-in" of the desired date and a copy of the document that contains a reference to the Express Mail receipt number (37 CFR 1.10).

It appears that petitioner's agent did not utilize Express Mail service or certificate of mailing practice when mailing in the replacement drawings. Therefore, the replacement drawings were filed too late.

Even if it had been filed by the deadline, the response would have been incomplete. The replacement drawings do not comply with the December 5, 2007 Notice in that the figures are not labeled "Fig." with a consecutive Arabic numeral and a capital letter in the English alphabet, if appropriate. In addition, there is extraneous verbage on each page of the drawing sheets – for example: the words/numbers/dashes surrounding the border of the drawing sheets and all of the columns labeled "BILL OF MATERIALS".

Petitioner is encouraged to file a petition to revive under the unintentional delay standard of 37 CFR 1.137(b). The petition fee is $810.00. For petitioner's convenience, a blank PTO/SB/64 -- Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b). The reply should be replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d).

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

By mail:
Mail Stop PETITION
Commissioner for Patents
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 may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

Privacy Act Statement

PTO/SB/64 (10-08)
Approved for use through 11/30/2008. 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)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

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

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

1. Petition fee

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

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

2. Reply and/or fee

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

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

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

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

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

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

3. Terminal disclaimer with disclaimer fee

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

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

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

WARNING:

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

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

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

I hereby certify that this correspondence is being:

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

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

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

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

DUSTIN CHEYENNE STRAHLER
P O BOX 614
MARIETTA OH 45750

MAILED

JAN 30 2009

OFFICE OF PETITIONS

In re Application of
Strahler
Application No. 11/895,916
Filed: August 28, 2007
Attorney Docket No. N/A
For: CEMENT TRUCK ELEVATOR FOR ADDITIVES

ON PETITION

This is a decision on the petition, filed January 6, 2009, under 37 CFR 1.137(b) to revive the above-identified application.

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

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

This application was held abandoned for failure to timely submit replacement drawings. A Notice to File Corrected Application Papers (Notice), mailed December 5, 2007, required applicant to submit $10.00 in additional claim fees and replacement drawings within two months of the mailing of the Notice. On February 4, 2008, the Office received a petition for a 60 day extension of time in order to file replacement drawings, but no petition fee. It appears that petitioner paid the $10.00 in additional claim fees. On February 27, 2008, the Office mailed a Notice of Incomplete Reply because the replacement drawings had not been filed. The application became abandoned on February 6, 2008. On September 15, 2008, the Office mailed a Notice of Abandonment.

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.

The replacement drawings do not comply with the December 5, 2007 Notice in that the figures are not labeled "Fig." with a consecutive Arabic numeral and a capital letter in the English alphabet, if appropriate. There appear to be many more figures in the newly submitted replacement drawing sheets than figures described in the "Brief Description of the Drawings" filed on October 31, 2007. If there are multiple views of Figures 1-13 (for example: Fig. 1A, Fig. 1B, Fig. 2A, Fig. 2B, etc.) then applicant should amend the "Brief Description of the Drawings" so that it corresponds to the corrected numbering and lettering of the replacement drawing figures. In the example above, the "Brief Description of the Drawings" should then have a Fig. 1A, Fig. 1B, Fig. 2A, Fig. 2B, etc..

In addition, there is extraneous verbage on each page of the drawing sheets – for example: the words/numbers/dashes surrounding the border of the drawing sheets and all of the columns labeled "BILL OF MATERIALS" should not be present.

The replacement drawings are not in compliance with 37 CFR 1.84 and 37 CFR 1.121(d).

Petitioner may wish to contact the Inventors Assistance Center at 1-800-786-9199 for assistance.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jason H. Foster
7632 Slate Ridge Blvd.
Reynoldsburg OH 43068

MAILED

APR 22 2009

OFFICE OF PETITIONS

In re Application of
Strahler
Application No. 11/895,916
Filed: August 28, 2007
Attorney Docket No. N/A
For: CEMENT TRUCK ELEVATOR FOR ADDITIVES

ON PETITION

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

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

This application was held abandoned for failure to timely submit replacement drawings. A Notice to File Corrected Application Papers (Notice), mailed December 5, 2007, required applicant to submit $10.00 in additional claim fees and replacement drawings within two months of the mailing of the Notice. On February 4, 2008, the Office received a petition for a 60 day extension of time in order to file replacement drawings, but no petition fee. It appears that petitioner paid the $10.00 in additional claim fees. On February 27, 2008, the Office mailed a Notice of Incomplete Reply because the replacement drawings had not been filed. The application became abandoned on February 6, 2008. On September 15, 2008, the Office mailed a Notice of Abandonment.

Applicant has submitted a proper reply to the December 5, 2007 Notice in the form of replacement drawings and amendment, an acceptable statement of the unintentional nature of the delay in responding to the December 5, 2007 Notice, and the $810.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

Regarding fees, petitioner has paid two petition fees. The Office will retain the first $810.00 petition fee paid with the original Rule 137(b) petition filed on January 6, 2009 and will refund the second petition fee paid on March 16, 2009 to petitioner's credit card.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WHITEFORD, TAYLOR & PRESTON, LLP
ATTN: GREGORY M STONE
SEVEN SAINT PAUL STREET
BALTIMORE, MD 21202-1626

COPY MAILED

SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Pao C. Pien	:	
Application No. 11/895,940	:	DECISION ON PETITION
Filed: August 28, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 010533/00009	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 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 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" when pre-examination processing is done.

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

SAND & SEBOLT
AEGIS TOWER
4940 MUNSON STREET, NW
SUITE 1100
CANTON, OH 44718-3615

COPY MAILED

JAN 0 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Brian V. Conti, et al.	:	
Application No. 11/895,956	:	DECISION ON PETITION
Filed: August 28, 2007	:	TO WITHDRAW
Attorney Docket No. 3719/56US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 2, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Sand & Sebolt has been revoked by the assignee of the patent application on October 9, 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: INVUE SECURITY PRODUCTS, INC.
15015 LANCASTER HIGHWAY
CHARLOTTE, NC 28277-2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

NOV 1 2 2008

OFFICE OF PETITIONS

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

In re Application of Gutman et al. :
Application No. 11/896,002 :
Filing Date: August 29, 2007 :
Attorney Docket No. P-9098-US :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b) filed September 2, 2008, and the paper filed November 4, 2008, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

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

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

Facts:

The Office mailed a three-page Filing Receipt and two-page Notice to File Missing Parts of Application on November 30, 2007.

The Notice to File Missing Parts indicated petitioner must file an executed oath or declaration, replacement drawings, and a surcharge of $65 in order to avoid abandonment. The Notice set a period for reply of two (2) months from the mail date of the Notice.

The Office did not receive a reply to the Notice to File Missing Parts. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on January 31, 2008.

A Notice of Abandonment was mailed on August 11, 2008.

A petition under 37 CFR 1.137(b) and response to the Notice to File Missing Parts were filed September 2, 2008. The petition explicitly indicated the Office should charge the petition fee of $770 to petitioner's deposit account. The response to the Notice to File Missing Parts explicitly indicated the Office should charge the five-month extension of time fee of $1,115 to petitioner's deposit account.

The Office charged the $770 fee and the $1,115 fee to petitioner's deposit account.

On November 4, 2008, petitioner filed a paper asserting the Office charged the $770 fee and $1,115 fee to petitioner's deposit account in error. The paper requests a refund of the fees. The paper asserts petitioner never received the Notice to File Missing Parts.

Discussion of the petition under 37 CFR 1.137(b), the $770 fee, and the $1,115 fee

If the merits of the petition under 37 CFR 1.137(b) had been considered prior to receipt of the request for a refund, the $770 petition fee would not be refundable. However, since the merits had not been considered, the Office will refund the $770.

Since the $770 is being refunded, the Office no longer has the required petition fee for a petition under 37 CFR 1.137(b). Therefore, the petition under 37 CFR 1.137(b) is dismissed.

Even if the paper filed November 4, 2008, had never been filed, the $1,115 would be refunded. The $1,115 fee is refundable because payment for an extension of time cannot be accepted beyond the maximum extendable period for reply even if accompanied by a petition to revive an application. In other words, a petition to revive does not need to be accompanied by payment for an extension of time.

Discussion of the "Petition under 37 CFR 1.181"

The paper filed November 4, 2008, appears to be an assertion the application is not abandoned because petitioner never received the Notice to File Missing Parts. Therefore, the paper will be treated as a petition under 37 CFR 1.181.

An assertion a paper was not received, without more, is insufficient evidence to support the grant of a petition to withdraw the holding of abandonment. Therefore, the petition cannot be granted.

Any request for reconsideration should include a showing in compliance with the language quoted from MPEP 711.03(c)(I)(A) found below.

MPEP 711.03(c)(I)(A) states,

> [A]n 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....
>
> 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.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Unless filed by EFS Web, further correspondence with respect to this matter should be addressed as follows:

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

COPY MAILED

MAR 0 6 2009

OFFICE OF PETITIONS

In re Application of Gutman et al. :
Application No. 11/896,002 : Decision on Petition
Filing Date: August 29, 2007 :
Attorney Docket No. P-9098-US :

This is a decision on the petition under 37 CFR 1.137(b), filed December 14, 2008, to revive the above-identified application.

The petition is **granted**.

The Office mailed a three-page Filing Receipt and two-page Notice to File Missing Parts of Nonprovisional Application on November 30, 2007. The Notice to File Missing Parts indicated petitioner must file an executed oath or declaration, replacement drawings, and a surcharge of $65 in order to avoid abandonment. The Notice set a period for reply of two (2) months from the mail date of the Notice.

The Office did not receive a reply to the Notice to File Missing Parts. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on January 31, 2008. A Notice of Abandonment was mailed on August 11, 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 proper reply to the Notice to File Missing Parts. Petitioner has submitted the required petition fee of $810. 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 Patent Examination Processing will be informed of the instant decision and will prepare the application for examination in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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

KRAMER & AMADO, P.C.
1725 DUKE STREET, SUITE 240
ALEXANDRIA, VA 22314

COPY MAILED
SEP 25 2008

In re Application of	:	
Rufus L. CHANEY, et al	:	
Application No. 11/896,011	:	DECISION ON PETITION
Filed: August 29, 2007	:	TO WITHDRAW
Attorney Docket No. VRD 3003.02	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by Arlir M. Amado on behalf of all attorneys associated with Customer Number 30868.

All attorneys of record associated with Customer Number 30868 have been withdrawn.

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

All future communications from the Office will be directed to the first signing inventor at the 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: RUFUS L. CHANEY
10910 DRESDEN DRIVE
BELTSVILLE, MD 20705

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

SEP 1 9 2008

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

In re Application of	:	
Yukari HATAOKA et. al.	:	DECISION ON REQUEST TO
Application No. 11/896,014	:	PARTICIPATE IN PATENT
Filed: August 29, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 071025-0026	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 29, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

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

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

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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

ROBINSON INTELLECTUAL PROPERTY LAW OFFICE,
3975 FAIR RIDGE DRIVE
SUITE 20 NORTH
FAIRFAX VA 22033

MAILED

MAY 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Masafumi Morisue et al	:	
Application No. 11/896,031	:	DECISION GRANTING PETITION
Filed: August 29, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0756-8099	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 13, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 18, 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 2812 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

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

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

Mail Date: 04/20/2010

Applicant	: Takahide Mizuno	: DECISION ON REQUEST FOR
Patent Number	: 7610139	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/896,066	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **223** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/896,112	08/29/2007	Sung-hyun Lim	P58322	3613

7590 10/22/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
STERN, JACOB R

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
10/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Repin. Ref: 10/22/2009 NFARMER 6017394803
DRA#:024943 Name/Number:11896112
FC: 9234 0620.00 CR

Adjustment date: 10/22/2009 NFARMER
08/30/2007 SZEUDIE1 00000020 11896112
02 FC:1111 -500.00 CP
04 FC:1202 -300.00 CP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
SHIN, Sang-Hoon et al.	:	
Application No. 11/896,234	:	DECISION ON PETITION
Filed: August 30, 2007	:	TO WITHDRAW
Attorney Docket No. **249/488 DIV**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 13, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **MICHAEL A. CANTOR, ESQ.**
CANTOR COLBURN, LLP
20 CHUCH STREET, 22ND FLOOR
HARTFORD CT 06103-3207

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

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

COPY MAILED

JUL 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Uwe Michalak	:	
Application No. 11/896,270	:	DECISION ON PETITION
Filed: August 30, 2007	:	TO WITHDRAW
Attorney Docket No. 11812-020-999	:	FROM RECORD
	:	

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 23, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Jones Day has been revoked by the assignee of the patent application on July 2, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: SENSICORE, INC.
ATTN: MALCOLM KAHN
755 PHOENIX DRIVE
ANN ARBOR, MI 48108

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 Oct-08

GOWLING LAFLEUR HENDERSON LLP
SUITE 1600
1 FIRST CANADIAN PLACE
TORONTO ON M5X 1G5
CANADA

COPY MAILED
OCT 22 2008
OFFICE OF PETITIONS

In re Application of	:
Schmidt, Willson-Rymer,	: DECISION ON PETITION
Sievert, Goguen, and Reynolds	: AND
Application Number: 11/896281	: DECISION REFUSING STATUS
Filing Date: 08/30/2007	: UNDER 37 CFR 1.47(a)
Attorney Docket Number:	:
T8471532USCON	:
	:

This is in response to the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED 37 CFR 1.53(f) or (g)," filed on October 6, 2008, which is treated as (a) a petition to withdraw the holding of abandonment and (b) a petition under 37 CFR 1.47(a).

The petition to withdraw the holding of abandonment is **GRANTED**.

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.**

Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

The application was held abandoned for failure to timely and properly respond to the Notice to File Missing Parts mailed on September 18, 2007, which required an executed oath or declaration, the statutory basic filing fee, a surcharge for their late filing, replacement drawings, additional claim fees, and the application search fee and examination fees.

In response, on March 4, 2008, a declaration naming Mike Schmidt, Darren Willson-Rymer, Scott J. Sievert, Jane Goguen, and Ron Reynolds was filed, signed be all joint inventors except Sievert on behalf of themselves and non-signing inventor Sievert. A four (4) month extension of time fee was paid, along with the required filing fee, surcharge, search fee, examination fee, additional claim fees, and the replacement drawings.

In response, on March 18, 2008, the Notice of Incomplete Reply (Nonprovisional) was mailed, stating that the signatures of Scott J. Sievert, Ilan Grisman, Barb Willson-Rymer, Daneil Heo, Gilliam Molloy, Ken Bell, Maciej Czyrny, and Borgan Vuckovic were missing from the declaration, and that the period for reply remained as set forth in the Notice to File Missing Parts.

Accordingly, on April 18, 2008, a "Response to Missing Parts" was filed, stating that a properly executed declaration naming five (5) inventors had been filed, and asserting that the Notice of Incomplete Reply was mailed in error.

On September 12, 2008, the Notice of Abandonment was mailed.

On October 6, 2008, the subject petition was filed, asserting again that a complete and proper response to the Notice to File Missing Parts was filed on March 4, 2008.

Upon review, petitioner's argument is well taken.

37 CFR 1.41(a)(1) states the inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in §§ 1.53(d)(4) and 1.63(d). Accordingly, the declaration filed on March 4, 2008, set forth the inventive entity as Mike Schmidt, Darren Willson-Rymer, Scott J. Sievert, Jane Goguen, and Ron Reynolds.

It is also noted that petitioner filed a paper entitled "DETAIL OF EFFORTS TO REACH NON-SIGNING INVENTOR AND DETAILS OF REFUSAL OF NON-SIGNING INVENTOR TO SIGN APPLICATION PAPERS" with the declaration. It appears that petitioners intend for this paper to be considered as a petition under 37 CFR 1.47(a), to accept the declaration without the signature of inventor Sievert, although the paper is not titled as a petition.

As authorization to charge counsel's deposit account is included with the reply filed on March 4, 2008, this paper will be construed as a petition under 37 CFR 1.47(a) and the fee of $200.00 will be charged.

Petitioners should ensure that any required petitions are properly and expressly requested in future filings to avoid delays in processing or examination.

In view thereof, a timely and complete reply to the Notice to File Missing Parts mailed on September 18, 2007, was received.

Accordingly, there is no abandonment in fact. The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

PETITION UNDER 37 CFR 1.47(a)

Petitioners assert that joint inventor Sievert cannot be reached. Specifically, petitioners aver, via the affidavit of Grant Tisdall, that a copy of the application papers was sent to Sievert's last known address, but was returned to counsel's office with a notation that the inventor had moved.

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

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1).

In regards to item (1), petitioners have not shown that diligent efforts have been made to locate the non-signing inventor.[1] Specifically, the showing of record is that a single mailing was made to the non-signing inventor's last known address, but that no further efforts were made to locate the non-signing inventor after the letter was returned as undeliverable.

Petitioners should attempt to locate a new address for the non-signing inventor. The search may include, but is not limited to, the use of telephone directory, national registry, or Internet searches. Petitioners should provide details, in a renewed petition, of the efforts made to locate the non-signing inventor. Statements should be provided by persons with first-hand knowledge of the details.

If a new address is located for the non-signing inventor, a copy of the application (specification, including the claims, drawings, if any, and the declaration) should be sent to the non-signing inventor's address with a request that the inventor sign and return the declaration. If the non-signing inventor refuses to sign the declaration, petitioners should provide proof of that refusal. Statements should be provided by persons with first-hand knowledge of the details. If the non-signing inventor refuses in writing, a copy of the written refusal should be provided.

If repeated attempts to contact the non-signing inventor by telephone, mail, and e-mail are unsuccessful, petitioners will have established that despite diligent efforts, the non-signing inventor could not be reached.

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

---

[1] MPEP 409.03(d).

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

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-09

GOWLING LAFLEUR HENDERSON LLP
SUITE 1600
1 FIRST CANADIAN PLACE
TORONTO M5X 1G5
CANADA

MAILED

FEB 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Schmidt, Willson-Rymer,	:	
Sievert, Goguen, and Reynolds	:	DECISION ACCORDING STATUS
Application Number: 11/896281	:	UNDER 37 CFR 1.47(a)
Filed: 08/30/2007	:	
Attorney Docket Number:	:	
T8471532USCON	:	

This is a decision on the renewed petition under 37 CFR 1.47(a), filed on December 22, 2008.

The petition is **GRANTED**.

Petitioners have shown, via the statement of facts by petitioners registered patent practitioner, Grant Tisdall, that non-signing inventor Scott Sievert could not be located despite diligent efforts. Specifically, petitioners have established that the application was sent to the last known address of non-signing joint inventor Sievert, but was returned as undeliverable. Additionally, practitioner Tisdall states that a search was made using the Canada 411 directory, and that a new address was found for non-signing inventor Sievert. A copy of the search report is included. Petitioners have also shown that a copy of the application was sent to Sievert's new last known address, but was returned again as undeliverable.

Accordingly, petitioners have shown that despite diligent efforts, the non-signing inventor could not be located.

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 renewed 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 Technology Center Art Unit 2161 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-09

Scott Sievert
15 Belfield Road
Etobicoke, ON M9W 1E8
CANADA

MAILED

FEB 12 2009

OFFICE OF PETITIONS

In re Application of
Schmit et al.
Application No. 11/896,281
Filed: August 30, 2007
For: SYSTEM AND METHOD HAVING A HIERARCHICAL MODEL WITH OVERRIDE CAPABILITY FOR GENERATING A FLEXIBLE INSURANCE PLAN

Dear Mr. Sievert:

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).

DIWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

GOWLING LAFLEUR HENDERSON LLP
SUITE 1600
1 FIRST CANADIAN PLACE
TORONTO M5X 1G5
CANADA

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

MCKENNA LONG & ALDRIDGE LLP
Song K. Jung
1900 K Street, N.W.
Washington DC 20006

COPY MAILED
NOV 06 2008

In re Application of	:\	
Lee, et al.	:	
Application No. 11/896,307	:	ON PETITION
Filed: August 30, 2007	:	
Attorney Docket No. 10401.011.23	:	

This decision is mailed in response to the petition under 37 CFR §1.183 requesting waiver of 37 CFR § 1.67, which requires that a supplemental declaration be executed by all named inventors. The petition was filed on July 11, 2008.

The petition is **GRANTED.**

Petitioner has submitted a copy of the supplemental declaration filed in Application No.11/002,413, of which the instant filing is a continuation application. A decision, mailed on March 3, 2006, granted the request that the Office waive the requirement that a supplemental declaration be executed by all named inventors.

Pursuant to 37 CFR 1.63(d), petitioner has obtained waiver of the declaration requirement in the present application

No petition fee is due in connection with this matter

After the mailing of this decision, the application will be returned to the Office of Data Management for processing into a patent.

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

Shirene Willis 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

January 5, 2009

In re application of	:	DECISION ON REQUEST TO
Robert Arthur Glenn	:	PARTICIPATE IN PATENT
Serial No. 11/896,338	:	PROSECUTION HIGHWAY
Filed: August 31, 2007	:	PILOT PROGRAM AND
For: A METHOD OF REINFORCING	:	PETITION TO MAKE SPECIAL
A SEAM	:	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) to make the above-identified application special, filed November 12, 2008.

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 UKIPO, note where the UKIPO 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 UKIPO application with similar claims and the UKIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the UKIPO 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 UKIPO 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 UKIPO 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 UKIPO application is a first action allowance then no office action from the UKIPO 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 UKIPO 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 UKIPO examiner in the UKIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail because:

(1) The applicants have failed to properly claim priority under 35 U.S.C. 119(a) to one or more UKIPO applications. While applicant notes that the US application corresponds with the UK application GB 0716785.1, this does not appear to fall within the scope of the requirements set forth in the Guidelines published in the "Patent Prosecution Highway Pilot Program between the United States Patent and Trademark Office and the United Kingdom Intellectual Property Office", signed August 30, 2007.

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

February 23, 2009

In re application of	:	DECISION ON REQUEST TO
Robert Arthur Glenn	:	PARTICIPATE IN PATENT
Serial No. 11/896,338	:	PROSECUTION HIGHWAY
Filed: August 31, 2007	:	PILOT PROGRAM AND
For: A METHOD OF REINFORCING	:	PETITION TO MAKE SPECIAL
A SEAM	:	UNDER 37 CFR 1.102(d)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed January 7, 2009.

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 UKIPO, note where the UKIPO 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 UKIPO application with similar claims and the UKIPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the UKIPO 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 UKIPO 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 UKIPO 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 UKIPO application is a first action allowance then no office action from the UKIPO 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 UKIPO 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 UKIPO examiner in the UKIPO 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

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

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

Mail Date: 05/04/2010

Applicant	: Katsuyuki Hisaoka	: DECISION ON REQUEST FOR
Patent Number	: 7612865	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/896,357	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **235** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

MAILED

MAY 24 2010

OFFICE OF PETITIONS

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

In re Application of	:	
Yung et al.	:	
Application No. 11/896,361	:	
Filed: August 31, 2007	:	DECISION ON PETITION
Attorney Docket No. 14616.0015	:	UNDER 37 C.F.R. § 1.137(B)
- D1	:	
Title: INCORPORATING SHARED	:	
RANDOMNESS INTO DISTRIBUTED	:	
CRYPTOGRAPHY	:	

This is a decision on the petition filed March 11, 2010, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

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

The above-identified application became abandoned for failure to submit an Appeal Brief within two-months of the filing of a Notice of Appeal, filed on August 3, 2009. A five-month extension of time pursuant to 37 C.F.R. § 1.136(a) was received on March 3, 2010. Accordingly, the above-identified application became abandoned on March 4, 2010.

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

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information

where there is a question whether the delay was unintentional, and;

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

With this petition, Petitioner filed a Request for Continued Examination (RCE) along with the required fee, the petition fee, and the proper statement of unintentional delay. The RCE has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1).

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

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment that was submitted on March 3, 2010 - can be processed in due course.

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 See Rule 1.137(d).

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

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.
11/896,407	08/31/2007	Motoya Itoh	2018-1789	5035

7590 05/27/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
HAMO, PATRICK

ART UNIT	PAPER NUMBER
3746	

MAIL DATE	DELIVERY MODE
05/27/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref: [illegible] 0232284240

Credit Card Refund Total: $[illegible].00

[illegible]

Adjustment date: 05/28/2010 NFARMER
09/04/2007 MBELETE1 00000099 11896407
03 FC:1111 -500.00 CP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

COPY MAILED

MAR 1 0 2009

OFFICE OF PETITIONS

In re Application of Isomaki et al. :
Application No. 11/896,409 :
Filing Date: August 31, 2007 :
Attorney Docket No. 060282.00436 :

Decision on Petition

This is a decision in response to the petition filed September 29, 2008, requesting, in effect, that an abstract and page 14 of the specification filed on September 29, 2008, be entered as part of the original disclosure.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.53(e)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The application was filed August 31, 2007.

The Office of Patent Examination Processing Notice to File Corrected Application Papers on July 29, 2008, stating an abstract and page 14 of the specification did not appear to be part of the application as filed.

In response, the present petition was filed. Petitioner alleges the abstract and page 14 of the specification were filed with the original application.

Petitioner has provided a copy of a Returned Receipt Postcard date stamped August 31, 2007, by the Office. The last portion of MPEP 513 states,

> Where there is a dispute as to the contents of correspondence submitted to the Office (e.g., an applicant asserts that three sheets of drawings were submitted under 37 CFR 1.10 with an application, but the Office records indicate receipt of only two sheets of drawings with the application) ... The Office will rely upon its official record of the contents of such correspondence in absence of convincing evidence (e.g. a postcard receipt . . .

MPEP 503 states (emphasis added),

> It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO) . . .
>
> The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).
>
> The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.

In the instant case, the postcard receipt indicates the papers filed included "New Application (17 pages)." The Office record includes 17 pages of application filed August 31, 2007. Specifically, the record indicates the papers filed August 31, 2007, included 12 pages of specification, 3 pages of claims, and 2 pages of drawings. Since the postcard, at most, proves 17 pages of application were filed August 31, 2007, and 17 pages of application were received, the petition cannot be granted.

All the evidence present in the file has been carefully considered, but is not persuasive that the abstract and page 14 of the specification were submitted with the original application.

Page 14 of the specification consisted solely of claims. The Office notes petitioner may be able to add the missing page by amendment based on reliance on the original disclosure. The Office also notes the instant application explicitly incorporated by reference the contents of Application No. 10/104,014, and is a divisional of Application No. 10/104,014. Therefore, unless the instant application should have been identified as a continuation-in-part application, the incorporation by reference should allow petitioner to add the missing claim page by amendment.

Since the abstract is simply a summary of the specification, the filing of an abstract after the filing date in the instant application does not raise issues involving new matter.

Unless an amendment to add the subject matter of the missing page is filed, or a request for reconsideration is filed, petitioner **must** submit an amendment with a complete claim listing that does not include the missing subject matter.

The abstract and page 14 of the specification filed on September 29, 2008, were not present in the Office on August 31, 2007. Therefore, the pages are not parts of the original disclosure.

Although the abstract filed September 29, 2008, will be used when processing the application, page 14 of the specification filed September 29, 2008, will not be used.

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

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

MAILED

MAR 10 2009

OFFICE OF PETITIONS

In re Application of Isomaki et al. :
Application No. 11/896,409 :
Filing Date: August 31, 2007 :
Attorney Docket No. 060282.00436 :

Decision on Petition

This is a corrected decision in response to the petition filed September 29, 2008, requesting, in effect, that an abstract and page 14 of the specification filed on September 29, 2008, be entered as part of the original disclosure.

The prior decision addressed the petition filed September 29, 2008, but did not address the copy of the Request for Refund filed October 16, 2008. The instant decision addresses both documents.

The petition is **dismissed** and the petition fee will not be refunded.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.53(e)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The application was filed August 31, 2007.

The Office of Patent Examination Processing Notice to File Corrected Application Papers on July 29, 2008, stating an abstract and page 14 of the specification did not appear to be part of the application as filed.

In response, the present petition was filed. Petitioner alleges the abstract and page 14 of the specification were filed with the original application.

Petitioner has provided a copy of a Returned Receipt Postcard date stamped August 31, 2007, by the Office. The last portion of MPEP 513 states,

> Where there is a dispute as to the contents of correspondence submitted to the Office (e.g., an applicant asserts that three sheets of drawings were submitted under 37 CFR 1.10 with an application, but the Office records indicate receipt of only two sheets of

> drawings with the application) ... The Office will rely upon its official record of the contents of such correspondence in absence of convincing evidence (e.g. a postcard receipt . . .

MPEP 503 states (emphasis added),

> It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO) . . .
>
> The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).
>
> The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.

In the instant case, the postcard receipt indicates the papers filed included "New Application (17 pages)." The Office record includes 17 pages of application filed August 31, 2007. Specifically, the record indicates the papers filed August 31, 2007, included 12 pages of specification, 3 pages of claims, and 2 pages of drawings. Since the postcard, at most, proves 17 pages of application were filed August 31, 2007, and 17 pages of application were received, the petition cannot be granted.

All the evidence present in the file has been carefully considered, but is not persuasive that the abstract and page 14 of the specification were submitted with the original application.

Page 14 of the specification consisted solely of claims. The Office notes petitioner may be able to add the missing page by amendment based on reliance on the original disclosure. The Office

also notes the instant application explicitly incorporated by reference the contents of Application No. 10/104,014, and is a divisional of Application No. 10/104,014. Therefore, unless the instant application should have been identified as a continuation-in-part application, the incorporation by reference should allow petitioner to add the missing claim page by amendment.
Since the abstract is simply a summary of the specification, the filing of an abstract after the filing date in the instant application does not raise issues involving new matter.

Unless an amendment to add the subject matter of the missing page is filed, or a request for reconsideration is filed, petitioner **must** submit an amendment with a complete claim listing that does not include the missing subject matter.

The abstract and page 14 of the specification filed on September 29, 2008, were not present in the Office on August 31, 2007. Therefore, the pages are not parts of the original disclosure.

Although the abstract filed September 29, 2008, will be used when processing the application, page 14 of the specification filed September 29, 2008, will not be used.

Since petitioner has not proven the original application papers filed August 31, 2007, included the abstract and page 14 of the specification, the petition fee will not be refunded.

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

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

COPY MAILED

APR 16 2009

OFFICE OF PETITIONS

In re Application of Isomaki et al. :
Application No. 11/896,409 :
Filing Date: August 31, 2007 :
Attorney Docket No. 060282.00436 :

Decision on Petition

This is a decision in response to the request for reconsideration filed March 25, 2009, requesting 14 of the specification filed on September 29, 2008, be entered as part of the original disclosure.

The petition is **dismissed**.

Facts

The application was filed August 31, 2007.

The application was filed with a stamped postcard receipt that listed the following items:

(1) "Fee $1,000,"
(2) "New Application (17 pages),"
(3) "IDS/PTO-1449,"
(4) "Declaration (copy from parent application),"
(5) "Drawings ... 2 sheets,"
(6) "Continuing Application Transmittal,"
(7) "Application Data Sheet,"
(8) "Revocation and New Power of Attorney (copy from parent appln.)," and
(9) "Notice of Acceptance of Power of Attorney (copy from parent appln.)"

The postcard was returned to petitioner without any notation indicating any of the items listed on the postcard were missing from the application papers.

On July 29, 2008, the Office of Patent Examination Processing mailed a Notice to File Corrected Application Papers stating an abstract and page 14 of the specification did not appear to be part of the application as filed.

In response, a petition was filed on September 29, 2008. The petition alleged the abstract and page 14 of the specification were part of the application papers filed August 31, 2007.

A decision dismissing the petition was mailed March 10, 2009. The decision stated,

> Petitioner has provided a copy of a Returned Receipt Postcard date stamped August 31, 2007, by the Office....
>
> MPEP 503 states (emphasis added),
>
> > It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO) . . .
>
> In the instant case, the postcard receipt indicates the papers filed included "New Application (17 pages)." The Office record includes 17 pages of application filed August 31, 2007. Specifically, the record indicates the papers filed August 31, 2007, included 12 pages of specification, 3 pages of claims, and 2 pages of drawings. Since the postcard, at most, proves 17 pages of application were filed August 31, 2007, and 17 pages of application were received, the petition cannot be granted.
>
> All the evidence present in the file has been carefully considered, but is not persuasive that the abstract and page 14 of the specification were submitted with the original application.

The original decision did not address petitioner's request for a refund. A corrected decision was subsequently mailed which addresses, and denied, the refund request.
The instant petition discusses the postcard and asserts it should have been clear that the 17 pages of application were not intended to include the 2 sheets of Drawings listed separately on the postcard receipt.

Discussion

In general, a strong presumption exists that the official government record, maintained by disinterested USPTO employees as a part of their customary and usual duties, is correct. The official file record in this case indicates the application papers filed August 31, 2007, did not include an abstract and page 14 of the specification.

The Office has established a practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice, which has been in existence for many years and is well publicized, requires that any paper for which a receipt is desired be filed with a self-addressed postcard identifying the paper. When the Office receives correspondence, an employee verifies that the documentation listed on the postcard is present, stamps it, and then mails it back to the applicant. A postcard receipt itemizing and properly identifying filed papers will be considered serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The evidentiary value of the postcard receipt is based on the fact a USPTO employee has verified receipt of each item on the postcard. In this case, an Office employee verified at least 17 pages of application papers were present. Petitioner asserts the employee would have known that petitioner's intent was not to have the 2 sheets of drawings be considered as part of the 17 pages of drawings. However, the employee was not responsible for trying to determine petitioner's intent. Instead, the employee was only responsible for making a notation on the postcard if 17 pages of application were not present. The employee was also not responsible for considering the substance of the pages and examining the page numbers on each page. Instead, the employee was responsible for simply counting the number of application pages present.

Petitioner has not proven the employee who reviewed the postcard, a purely ministerial function, made an assumption that the 2 sheets of drawings separately listed on the postcard were not intended to be considered part of the 17 pages of new application being filed August 31, 2008.

The postcard receipt in this case failed to comply with the requirements set forth in MPEP 503 which states, with emphasis added,

> If a new application is being filed, **all** parts of the application being submitted **should be separately listed** on the postcard, e.g., **the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).**
>
> **The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard.** For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.

Petitioner has not shown that, to the extent the postcard receipt was ambiguous because the postcard failed to comply with MPEP 503, the ambiguity should be resolved in favor of petitioner.

All the evidence present in the file has been carefully considered, but is not persuasive that the abstract and page 14 of the specification were submitted with the original application.

The abstract and page 14 of the specification filed on September 29, 2008, were <u>not</u> present in the Office on August 31, 2007. Therefore, the pages are not parts of the original disclosure.

Unless an amendment to add the subject matter of the missing page is filed, petitioner **must** submit an amendment with a complete claim listing that does not include the missing subject matter.

Although the abstract filed September 29, 2008, will be used when processing the application, page 14 of the specification filed September 29, 2008, will not be used. *However*, since the abstract is simply a summary of the specification, the filing of an abstract after the filing date in the instant application does not raise issues involving new matter. Therefore, the abstract filed September 29, 2008, will be entered.

The Office of Patent Application Processing (OPAP) will be informed of the instant decision and will process the application with a filing date of August 31, 2007, using the application papers filed August 31, 2007. OPAP will also accept and enter the one page of abstract filed on September 29, 2008.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

JUL 10 2009

OFFICE OF PETITIONS

SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

In re Application of Isomaki et al. :
Application No. 11/896,409 : Decision on Petition
Filing Date: August 31, 2007 :
Attorney Docket No. 060282.00436 :

This is a decision in response to the request for reconsideration filed June 16, 2009, requesting the abstract and page 14 of the specification filed on September 29, 2008, be entered as part of the original disclosure.

The petition is **granted**.

Facts

The application was filed August 31, 2007.

The application was filed with a stamped postcard receipt that listed the following items:

(1) "Fee $1,000,"
(2) "New Application (17 pages),"
(3) "IDS/PTO-1449,"
(4) "Declaration (copy from parent application),"
(5) "Drawings ... 2 sheets,"
(6) "Continuing Application Transmittal,"
(7) "Application Data Sheet,"
(8) "Revocation and New Power of Attorney (copy from parent appln.)," and
(9) "Notice of Acceptance of Power of Attorney (copy from parent appln.)"

The postcard was returned to petitioner without any notation indicating any of the items listed on the postcard were missing from the application papers.

On July 29, 2008, the Office of Patent Examination Processing mailed a Notice to File Corrected Application Papers stating an abstract and page 14 of the specification did not appear to be part of the application as filed.

In response, a petition was filed on September 29, 2008. The petition alleged the abstract and page 14 of the specification were part of the application papers filed August 31, 2007. A decision dismissing the petition was mailed March 10, 2009. The original decision did not

address petitioner's request for a refund. A corrected decision was subsequently mailed which addressed, and denied, the refund request.

A second petition was filed March 25, 2009. A decision dismissing the petition was mailed April 16, 2009.

The instant petition was timely filed June 16, 2009.

Discussion

A postcard receipt itemizing and properly identifying filed papers will be considered serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. Although petitioner provided a postcard receipt with prior petitions, the Office took the position the postcard receipt was ambiguous and, as a result, would not serve as *prima facie* evidence to establish receipt of the missing two pages. The alleged ambiguity arose in part as a result of an unfortunate coincidence involving the number of pages of drawings filed with the application equaling the number of missing pages.

The instant petition continues to assert the term "application" on the postcard was not ambiguous when considered in context.

Petitioner's arguments concerning the issue are intelligent, organized, and well written. However, the Office believes strong arguments also exist to support a conclusion the term "application" was ambiguous. Fortunately, the Office need not resolve the issue because petitioner has perceptively recognized scanning anomalies in this case and discussed how such anomalies support a conclusion the missing pages were received by the Office. The anomalies and other evidence presented by petitioner are sufficient to prove the original application papers included the abstract and page 14 of the specification.

The Office of Patent Application Processing will be informed of the instant decision and will process the application with a filing date of August 31, 2007, using the application papers filed August 31, 2007, the single page of abstract filed September 29, 2008, and page 14 of the specification filed September 29, 2008.

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
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.
11/896,410	08/31/2007	Lawrence George Commander	133792	5028

7590 12/17/2008

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

EXAMINER

ART UNIT	PAPER NUMBER
3725	

MAIL DATE	DELIVERY MODE
12/17/2008	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:
12/17/2008 NFARMER 0000165535

CHECK Refund Total: $1150.00

Adjustment date: 12/17/2008 NFARMER
09/04/2007 MBELETE1 00000102 11896410
02 FC:1111 -500.00 OP
04 FC:1202 -650.00 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
www.uspto.gov

MAILED

MAY 10 2010

OFFICE OF PETITIONS

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

In re Application of	:	
Connie A. Steadman et al.	:	DECISION ON STATUS
Application No. 11/896,483	:	UNDER 37 CFR 1.47(a)
Filed: August 31, 2007	:	
Attorney Docket No. 49946	:	

This is in response to the petition under 37 CFR 1.47(a), filed December 12, 2007.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor cannot be found or reached after diligent effort 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 further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-4914.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAY 10 2010

OFFICE OF PETITIONS

Mr. Kevin W. Lawter,
514 West Cherokee Street,
Chesnee, SC, 29323

In re Application of
Connie A. Steadman, Kevin W. Lawter and Craig D. Wright
Application No. 11/896,483
Filed: August 31, 2007
For: LIGHTING FIXURE WITH ADJUSTABLE REFLECTOR

Dear Mr. Lawter:

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 - 4914. 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).

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: JEANNE C. AVALLONE
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

AUG 11 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of	:	
ITO, TETSUYA, et al	:	DECISION ON REQUEST TO
Application No. 11/896,531	:	PARTICIPATE IN PATENT
Filed: September 4, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. **077892-0019**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 29, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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.
11/896,536	09/04/2007	Yasushi Morii	MNL-2018-1794	5843

7590 07/22/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
RIEMER, CHRISTOPHER ADAM

ART UNIT	PAPER NUMBER
4137	

MAIL DATE	DELIVERY MODE
07/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Tom Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/22/2009 0030072514

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX2021

Adjustment date: 07/22/2009 NFARMER
09/05/2007 MAHMED1 00000038 11896536
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.
11/896,548	09/04/2007	Ikuya Ando	MNL-2635-506	5753

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

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
07/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 08/04/2009 BPOWELL
09/05/2007 MAHMED1 00000067 11896548
02 FC:1111 -500.00 OP

Adjustment date: 08/04/2009 BPOWELL
09/05/2007 MAHMED1 00000067 11896548
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

Refund Ref:
08/04/2009 0030072910

Credit Card Refund Total: $500.00

AB Exp..: XXXXXXXXXXX2021

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
11/896,580	09/04/2007	Yoshihiro Yoneda	133508	6881

7590 07/10/2008
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
LOKE, STEVEN HO YIN

ART UNIT	PAPER NUMBER
2818	

MAIL DATE	DELIVERY MODE
07/10/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty J. Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 07/14/2008 DTERRY
09/05/2007 CNGUYEN2 00000092 11896580
02 FC:1111 -500.00 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
www.uspto.gov

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

COPY MAILED
AUG 2 9 2008

In re Application of	:	
Ravi Prakash **GORTHI et al**	:	
Application No. 11/896,595	:	DECISION ON PETITION
Filed: September 4, 2007	:	
Attorney Docket No. 042144-15	:	

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 application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed, September 18, 2007, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 19, 2007.

The petition satisfies the requirements for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form an oath and required fees, (2) the petition fee of $ 1540 and (3) a proper statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to Lori Baker Amerson at (571) 272-6052.

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

Chris Bottorff

for David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 2 9 2009

OFFICE OF PETITIONS

G. LINK CO., LTD
3550 BELL ROAD
MINOOKA, IL 60447

In re Application of	:	
Lin et al.	:	
Application No. 11/896,619	:	ON PETITION
Filed: September 4, 2007	:	
Attorney Docket No. P1089	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 17, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 16, 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 September 17, 2008. A Notice of Abandonment was mailed February 19, 2009.

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

The instant petition lacks item (1), the required reply. While the Office recognizes that the petitioner submitted fees totaling $1,310 with the petition. Effective October 2, 2008, certain Patent and Trademark Fees were increased, including the present petition fee, basic filing fee, search fee and examination fee. Since any fee amount paid on or after October 2, 2008 must be paid in the new fee amount, a fee deficiency of $110 exists. Accordingly, this application cannot be revived until the balance of $110 has been submitted.

The revocation of power of attorney and change of correspondence address filed May 19, 2009, have been accepted and made of record.

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

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

By Mail: Mail Stop PETITION

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

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

By Internet: EFS-Web[1]

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

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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
11/896,619	09/04/2007	Chih-Hsiung Lin	P1089

CONFIRMATION NO. 6068

POWER OF ATTORNEY NOTICE

40144
TROXELL LAW OFFICE, PLLC
P.O. Box 1370
Annandale, VA 22003

OC000000038425429

Date Mailed: 10/22/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/19/2009.

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

/atkelley/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

G. LINK CO., LTD
3550 BELL ROAD
MINOOKA, IL 60447

COPY MAILED

DEC 0 8 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Lin et al.	:	
Application No. 11/896,619	:	
Filed: September 4, 2007	:	
Attorney Docket No. P1089	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 16, 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 August 17, 2008. A Notice of Abandonment was mailed February 19, 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 statutory basic filing fee, search fee, examination fee and surcharge of $65, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000

Chris Bottorff
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

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Derek Ward	: DECISION ON REQUEST FOR
Patent Number	: 7612582	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/896,699	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **225** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN VA 22102-3833

COPY MAILED

FEB 04 2008

OFFICE OF PETITIONS

In re Application of
Suzuki
Application No. 11/896,718
Filed: September 5, 2007
Attorney Docket No. XA-10846
For: SEMICONDUCTOR DEVICE

ON PETITION

This is a decision on the petition, filed December 3, 2007, requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed October 1, 2007.

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

The application was filed on September 5, 2007. On October 1, 2007, the Office of Initial Patent Examination mailed a Notice informing petitioner that page 37 of the specification appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that page 37 be accorded a filing date of September 5, 2007 on the basis that the entire specification, including allegedly missing page 37, was received in the Patent and Trademark Office (PTO) on September 5, 2007.

In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing September 5, 2007 as the date of receipt. The postcard lists that the filing included, *inter alia*, 40 pages of specification. A review of the application file reveals that pages 1-36 and 38-40 are present. Page 37 is missing.

The return postcard constitutes *prima facie* evidence that 40 pages of specification, including missing page 37, were filed on September 5, 2007. MPEP 503. Accordingly, the request is granted.

No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Patent Application Processing for further pre-examination processing, with a filing date of **September 5, 2007,** using the copy of page 37 supplied with the petition.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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.
11/896,720	09/05/2007	Yoshiaki Okuyama	F-14620	7436

7590 05/18/2010
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
05/18/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 05/18/2010 NFARKER
05/18/2010 HAHMED1 00000072 11896720
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

OIPE IAP42
JUL 13 2009
PATENT & TRADEMARK OFFICE

DAC
IFW

Docket No.: 10401.011.24
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
LEE, Jong-Lam

Customer No.: 30827

Application No.: 11/896,772

Confirmation No.: 7449

Filed: September 5, 2007

Art Unit: 2826

For: METHOD OF FABRICATING VERTICAL STRUCTURE LED

Examiner: Victor A. MANDALA

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

TRANSMISSION OF PETITION GRANT UNDER 37 CFR 1.183

Sir:

Further to the telephone communication with Examiner Mandala regarding proof that the requirement of a supplemental declaration executed by all named inventors has been waived through a petition grant under 37 CFR 1.183, Applicants submit a copy of the petition grant which was granted in the previous co-pending application serial no. 11/002,413 from which this application is a continuation application thereof, and associated documents to be made of record in the application.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0911.

Dated: July 13, 2009

Respectfully submitted,

By_____
Yong S. Choi
Registration No.: 43,324
McKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorneys for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 13 2009
PATENT & TRADEMARK OFFICE

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

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

COPY MAILED

MAR 03 2006

OFFICE OF PETITIONS

ON PETITION

YSC

In re Application of
Lee, et al.
Application No. 11/002,413
Filed: December 3, 2004
Attorney Docket No. 10401.011.10
For: METHOD OF FABRICATING VERTICAL STRUCTURE LEDS

This is a decision on the reconsideration petition under 37 CFR §1.183 requesting waiver of 37 CFR § 1.67 which requires that a supplemental declaration be executed by all named inventors.

The petition under 37 CFR §1.183 requesting waiver of 37 CFR § 1.67 is **granted**.

Petitioner, L.G. Electronics, Inc., has established that copies of the above-identified application and a supplemental declaration were mailed to the three joint inventors, Lee, Jeong, and Yoo, and that each did not respond to the request that he sign the supplemental declaration and return it. In view of the constructive refusal by the three joint inventors to sign the declaration, it is agreed that justice would be served by waiving the requirement for their signature on the supplemental declaration filed October 6, 2005. It is noted that Attorney Mark R. Kresloff signed the supplemental declaration on behalf of L. G. Electronics, Inc., the assignee of record.
The aforementioned supplemental declaration has been accepted, on petition, and placed in the file.

This application is being forwarded to Technology Center G.A.U. 2826 for examination in due course.

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

E. Shirene Willis

MAR 06 2006

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Atty Docket No.: 10401.011.10

OIPE IAP42
JUL 13 2009
PATENT & TRADEMARK OFFICE

Applicant: LEE, Jong Lam

Application No.: 11/002,413 **Filing Date:** December 3, 2004

Title: METHOD OF FABRICATING VERTICAL STRUCTURE LEDS

Documents Filed:

Transmittal Form

Request for Reconsideration Petition (2 pp)

Statement Under 37 CFR 3.73 (b) (1pp)

Application Data Sheet (3 pp)

Copy of Assignment of Patents and Recordation Form Cover Sheet

Copy of Recordation of Assignment

October 25, 2005, Decision on Petition

Via: PTO Daily Run

Sender's Initials: SKJ/YSC/sm **Date:** December 13, 2005

OIPE IAP56
DEC 13 2005
PATENT & TRADEMARK OFFICE

(14)

OIPE IAP42
JUL 13 2009
PATENT & TRADEMARK OFFICE

Atty Docket No.: 10401.011.10

Applicant: LEE, Jong Lam

Application No.: 11/002,413 **Filing Date:** December 3, 2004

Title: METHOD OF FABRICATING VERTICAL STRUCTURE LEDS

Documents Filed:

Transmittal Form

Request for Reconsideration Petition (2 pp)

Statement Under 37 CFR 3.73 (b) (1pp)

Application Data Sheet (3 pp)

Copy of Assignment of Patents and Recordation Form Cover Sheet

Copy of Recordation of Assignment

October 25, 2005, Decision on Petition

Via: PTO Daily Run

Sender's Initials: SKJ/YSC/sm **Date:** December 13, 2005

OIPE IAP42
JUL 13 2009
PATENT & TRADEMARK OFFICE

PTO/SB/21 (08-03)
Approved for use through 07/31/2006. 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.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	11/002,413
Filing Date	December 3, 2004
First Named Inventor	LEE, Jong Lam
Art Unit	N/A
Examiner Name	Not Yet Assigned
Attorney Docket Number	10401.011.10
Total Number of Pages in This Submission	

ENCLOSURES (*Check all that apply*)

- [X] Transmittal Form
  - [ ] Fee Attached
- [X] Statement Under 37 CFR 3.73(b)
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [X] Application Data Sheet
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] After Allowance Communication to Group
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please identify below):

Request for Reconsideration Regarding Dismissal of Petition Under 37 CFR § 1.183 Requesting Waiver of 37 CFR § 1.67

Assignment of Patents and Recordation Form Cover Sheet

Assignment of Record

October 25, Decision on Petition

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MCKENNA LONG & ALDRIDGE LLP Mark R. Kresloff, Reg. No.: 42,766
Signature	Mark R. Kresloff
Date	December 13, 2005

OIPE IAP42
JUL 13 2009
PATENT & TRADEMARK OFFICE

Docket No.: 10401.011.10
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: LEE, Jong Lam et al.	Customer No.: 30827
Application No.: 11/002,413	Confirmation No. N/A
Filed: December 3, 2004	Art Unit: Not Yet Assigned
For: METHOD OF FABRICATING VERTICAL STRUCTURE LEDS	Examiner: Not Yet Assigned

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

REQUEST FOR RECONSIDERATION REGARDING DISMISSAL OF PETITION UNDER 37 C.F.R. § 1.183 REQUESTING WAIVER OF 37 C.F.R. § 1.67

Sir:

In reply to the October 25, 2005, Decision regarding Petition under 37 C.F.R. § 1.183 for the above-identified application, reconsideration is respectfully requested in view of the following remarks and attachments, which include a Statement under 37 C.F.R. § 3.73(b), as required by the Patent Office.

In the October 25 Decision, the Office of Petitions denied the Petition under 37 C.F.R. § 1.183 because the Petition was not accompanied by either the Notice of Recordation of Assignment document or the Assignment of Patents document. The Office of Petitions requested that the above-mentioned documents be submitted along with the Statement under 37 CFR § 3.73(b).

The Statement under 37 CFR § 3.373(b) is attached with this Request along with the requested documents. Accordingly, the Petition grant is respectfully requested.

In addition, an Application Data Sheet is also being submitted so that the Patent Office can update its records regarding the inventors' residential address and citizenship.

Any additional fees required to complete the filing of this response may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: December 13, 2005

Respectfully submitted,

By

Mark R. Kresloff
Registration No.: 42,766
Attorney for Applicant

Attachments:

October 25, Decision on Petition
Statement Under 37 C.F.R. § 3.73(b)
Assignment of Patents and Recordation Form Cover Sheet
Recordation of Assignment
Application Data Sheet

OIPE IAP42
JUL 13 2009
PATENT & TRADEMARK OFFICE

PTO/SB/96 (08-03)
Approved for use through 07/31/2006. 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: Jong-Lam LEE, In-Kwon JEONG, and Myung Cheol YOO

Application No./Patent No.: 11/002,413 Filed/Issue Date: December 3, 2004

Entitled: METHOD OF FABRICATING VERTICAL STRUCTURE LEDS

LG ELECTRONICS, INC. (Name of Assignee), a CORPORATION (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. [x] 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. [x] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Jong-Lam LEE et al. To: ORIOL, Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 016051, Frame 0151, or for which a copy thereof is attached.

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

Other: See attached Assignment of Patents

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.

[x] Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (*i.e.*, the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded 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.

December 13, 2005 Date	Song K. Jung (Reg. No. 35,210) Typed or printed name
(202) 496-7500 Telephone Number	Signature
	Attorney Title

OIPE IAP42
JUL 13 2009
PATENT & TRADEMARK OFFICE

Form PTO-1595
(Rev. 03/01)
OMB No. 0651-0027 (exp. 5/31/2002)

RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Oriol, Inc.
(Carol W. Wu, Trustee in Bankruptcy of the estate of Oriol, Inc.)

Additional name(s) of conveying party(ies) attached? [ ] Yes [x] No

2. Name and address of receiving party(ies)

Name: LG Electronics Inc.
Internal Address:
Street Address:
20 Yeouido-dong
Yeongdeungpo-gu
Seoul, Korea 150-721

City: Seoul
Country: Korea, Republic of Zip:
Additional name(s) & address(es) attached: [ ] Yes [x] No

3. Nature of Conveyance:

[x] Assignment [ ] Merger
[ ] Security Agreement [ ] Change of Name
[ ] Other

Execution Date: August 3, 2005

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the new application is:

A. Patent Application No.(s):

B. Patent No.(s):

Additional numbers attached? [ ] Yes [x] No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Song K. Jung
MCKENNA LONG & ALDRIDGE LLP
Internal Address: Atty. Dkt.: 9323.030.10
Street Address:
1900 K Street, N.W.

City: Washington State: DC Zip: 20006

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) $ 40.00
[x] Enclosed
[ ] Authorized to be charged to deposit account
[ ] Authorized to be charged to credit card
(Form 2038 enclosed)

8. Deposit account number:
50-0911
(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Mark R. Kresloff, Reg. No. 42,766
Name of Person Signing

Signature

August 17, 2005
Date

Total number of pages including cover sheet, attachments, and documents: 7

ASSIGNMENT OF PATENTS

WHEREAS, Carol W. Wu, Trustee in Bankruptcy of the estate of Oriol, Inc. ("Oriol"), Chapter 7 Case No. 03-56308 ASW, filed in the United States Bankruptcy Court for the Northern District of California ("Bankruptcy Court"), San Jose Division (hereinafter "Trustee"), and LG Electronics Inc. a corporation organized under the laws of the Republic of Korea ("Assignee") are parties to that certain Patent Assignment Agreement, effective upon execution by the parties (the "Agreement"), pursuant to which Trustee sold, conveyed, transferred, assigned and delivered to Assignee all of Oriol's right, title and interest in and to certain patents, patent applications and inventions.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, Trustee hereby transfers, conveys and assigns to Assignee all right, title and interest whatsoever, throughout the world, in and under the patents and/or applications listed on Exhibit A hereto, as well as any inventions disclosed or claimed therein (collectively, the "Patents"), to have and to hold the same, unto Assignee, its successors and assigns, for the full duration of all such rights, and any renewals and extensions thereof, including, without limitation:

(A) all rights to bring any proceedings and obtain any remedy in respect of any infringement of the Patents which has occurred prior to the date of this deed;

(B) all rights to claim priority from the Patents and file patent applications in respect of the inventions disclosed by the Patents;

(C) all rights to any continuations, continuations in part, divisions, extensions, amendments, conversions, reissues, re-examinations, renewals or restorations of the Patents to hold the same to the Assignee, its successors and assigns absolutely.

This Assignment is made pursuant to and is subject to all the terms of the Agreement.

IN WITNESS WHEREOF, Trustee has signed this instrument to be effective immediately upon its signing.

DATED: August 3, 2005

CAROL W. WU, Trustee in Bankruptcy of the Estate of Oriol, Inc., Chapter 7 Case No. 03-56308 ASW, filed in the United States Bankruptcy Court for the Northern District of California, San Jose Division

By: CWW, Trustee
CAROL W. WU

CERTIFICATION

State of CALIFORNIA)
)ss.
County of CONTRA COSTA)

On this 3 day of AUGUST, 2005, before me the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared CAROL W. WU, who is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to within the foregoing Assignment of Patents and acknowledged to me that she executed the same in her authorized capacity and that by her signature on such Assignment of Patents the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.

NRO1 KENNETH F. ZIB
COMM. #1550191
Notary Public - California
Contra Costa County
My Comm. Expires Feb. 5, 2009 NRO1

Signature

My Commission expires: 5 FEB 2009

176654.3

Oriol, Inc. Patents – Pending Applications

Country	Title	Inventor	USPTO / Int'l Application No. Filing Date	Patent No. / Issue Date	Status Remarks
United States	Method of Fabricating Vertical Structure LEDs	Lee, Jong-Lam Jeong, In-Kwon Yoo, Myung Cheol	10/118,316 09-Apr-2002 European Application No. 03731009.1 09-Nov-2004 Japanese Application No. 2003-585153 12-Oct-2004 Korean Application No. 2004-7016177 09-Oct-2004 11/002,413 03-Dec-2004 11/030,323 07-Jan-2005 PCT/US03/09501 31-Mar-2003		Published 09-Oct-2003 Notice of Allowance Issued 07-Oct-2004 European, Japanese, and Korean applications are pending Pending Pending Notice To File Missing Parts sent 06-Apr-2005
United States	Method of Fabricating Vertical Devices Using a Metal Support Film	Yoo, Myung Cheol	10/118,317 09-Apr-2002 PCT/US03/9504 31-Mar-2003		Published 09-Oct-2003 Petition to Revive Application Granted 05-May-2004 European, Japanese, and Korean applications are pending

			European Application No. 03728297.7 09-Nov-2004 Japanese Application No. 2003-585155 12-Oct-2004 Korean Application No. 2004-7016180 09-Oct-2004		
United States	Diode Having Vertical Structure and Method of Manufacturing the Same	Yoo, Myung Cheol	09/983,994 26-Oct-2001 PCT/US02/33358 21-Oct-2002 European Application No. 02789218.1 24-May-2004 Japanese Application No. 2003-541032 26-Apr-2004 Korean Application No. 2004-7006203 26-Apr-2004		Published 01-May-2003 Final Rejection Issued 29-Nov-2004 European, Japanese, and Korean applications are pending
United States	Method of Making Diode Having Reflective Layer	Yoo, Myung Cheol	09/982,980 22-Oct-2001 PCT/US02/33357		Published 24-Apr-2003 Request for Continued Examination (RCE) 29-Nov-2004

			21-Oct-2002 European Application No. 02793800.0 24-May-2004 Japanese Application No. 2003-539082 22-Apr-2004 Korean Application No. 2004-7005880 21-Apr-2004		European, Japanese, and Korean applications are pending
United States	Diode Having High Brightness and Method Thereof	Yoo, Myung Cheol	09/905,969 17-Jul-2001 PCT/US02/22655 17-Jul-2002		Published 23-Jan-2003 Final Rejection Issued 06-Dec-2004
United States	Method of Fabricating Ohmic Contact on N-Type Gallium Nitride (Gan) of Room Temperature by Plasma Surface Treatment	Lee, Jong Lam Jang, Ho Won Kim, Jong Kyu Jeon, Changmin	10/103,523 22-Mar-2002 PCT/US02/08662 22-Mar-2002		Published 24-Oct-2002 Notice of Rescinded Abandonment 25-May-2004 Petition to Revive Application - Granted 19-May-2004
United States	Thin Film LED	Jeon, Hyeong Tag	10/795,287 09-Mar-2004		Awaiting Examination Docketed New Case - Ready for Examination 19-Jun-2004
United States	Thin Film Light Emitting Diode	Yoo, Myung Cheol	10/179,010 26-Jun-2002 10/975,095 28-Oct--2004		Published 02-Sep-2004 Issue Notification Mailed 23-Dec-2004 Pending

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 24, 2005

PTAS

102899480A

SONG K. JUNG
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON, DC 20006

9323.030.10
YGK

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 12/03/2004

REEL/FRAME: 016051/0151
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
LEE, JONG-LAM

DOC DATE: 05/31/2002

ASSIGNOR:
JEONG, IN-KWON

DOC DATE: 05/31/2002

ASSIGNOR:
YOO, MYUNG C.

DOC DATE: 05/31/2002

ASSIGNEE:
ORIOL, INC.
3390 VISO COURT
SANTA CLARA, CALIFORNIA 95054

SERIAL NUMBER: 11002413
PATENT NUMBER:
TITLE: METHOD OF FABRICATING VERTICAL STRUCTURE LEDS

FILING DATE: 12/03/2004
ISSUE DATE:

RECEIVED
JUN 03 2005
McKENNA LONG & ALDRIDGE

McKenna Long & Aldridge LLP
Attorneys at Law

Application Data Sheet

Application Information

Application Type::	Regular
Subject Matter::	Utility
Suggested Classification	
Suggested Group Art Unit::	
CD-ROM or CD-R?	None
Title::	METHOD OF FABRICATING VERTICAL STRUCTURE LEDS
Attorney Docket::	10401.011.10
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure?::	None
Total Drawing Sheets::	7
Small Entity::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Republic of Korea
Status::	Full Capacity
Given Name::	Jong-Lam
Family Name::	LEE
City of Residence::	Nam-gu P'ohang
State of Province of Residence::	Kyungbuk
Country of Residence::	Republic of Korea
Street of mailing address::	Faculty Housing E-1401
	Jigok-dong 756

State or Province of mailing address::	Republic of Korea
Postal or Zip code of mailing address::	790-784

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Republic of Korea
Status::	Full Capacity
Given Name::	In-kwon
Family Name::	JEONG
City of Residence::	Cupertino
State of Province of Residence::	California
Country of Residence::	United States
Street of mailing address::	10697 Rosewood Road
State or Province of mailing address::	California
Postal or Zip code of mailing address::	95014-6028

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Republic of Korea
Status::	Full Capacity
Given Name::	Myung Cheol
Family Name::	YOO
City of Residence::	Pleasanton
State of Province of Residence::	California
Country of Residence::	United States
Street of mailing address::	614 Abbie Court
State or Province of mailing address::	California
Postal or Zip code of mailing address::	94566

Correspondence Information

Correspondence Customer Number::	30827

Domestic Priority Information

Application::	Continuity Type:	Parent Application::	Parent Filing Date::
This Application	Divisional of	10/118,316	April 9, 2002

Assignee Information

Assignee Name:: LG Electronics Inc.

Street of Mailing address:: 20 Yeouido-dong

City or mailing address:: Yeongdeungpo-gu

State or Province of mailing address:: Seoul

Country of mailing address:: Korea

Postal or Zip Code of mailing address:: 150-721

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

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

RECEIVED
OCT 27 2005
DOCKETED BY:
DUE DATE: 12-25-05
ATTORNEY CONFIRMATION:
McKENNA LONG & ALDRIDGE

COPY MAILED
OCT 25 2005
OFFICE OF PETITIONS

In re Application of
Lee, et al.
Application No. 11/002,413
Filed: December 3, 2004
Attorney Docket No. 10401.011.10 US

ON PETITION

YGK

This is a decision on the correspondence entitled, "PETITION PURSUANT TO 37 CFR 1.182 AND SUBMISSION OF DECLARATION UNDER 37 CFR 1.47(b)", filed October 6, 2005, which is being treated as a petition under 37 CFR §1.183 requesting waiver of 37 CFR § 1.67 which requires that a supplemental declaration be executed by all named inventors.[1]

The petition under 37 CFR §1.183 requesting waiver of 37 CFR § 1.67 is **dismissed**.

The petition under 37 CFR §1.47 is **dismissed as moot**.

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. **Failure to respond will result in abandonment of the application.**

The entity claiming to be the assignee has not established ownership of the above-identified invention. It appears that the three joint inventors assigned their interest in the application to Oriol, Inc. However, the petition lacks evidence that Oriol Inc. is in bankruptcy and that Carol Wu, the purported trustee in bankruptcy of the estate of Oriol, Inc., has assigned all of Oriol, Inc.'s rights and interests to L.G. Electronics, Inc. The petition is not accompanied by either the Notice of Recordation of Assignment Document or, more importantly, the Assignment of Patents document cited in the petition.

It would be inappropriate to grant the petition at hand until it is established that L.G. Electronics, Inc. Is the owner of the above-identified application. Please complete and return the enclosed a blank STATEMENT UNDER 37 CFR 3.73(b).

---

[1] Once an application has received an executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

Regarding fees, the Rule 183 petition fee is $400.00. Petitioners have submitted only $200.00. Pursuant to petitioner's authorization, deposit account no. 50-0911 will be charged the balance due, which is $200.00.

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

By mail:

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

By hand:

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

By FAX:

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

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

enclosure: a blank STATEMENT UNDER 37 CFR 3.73(b)

Atty Docket No.: 10401.011.10-US

Applicant: Jong-Lam LEE, et al.

Application No.: 11/002,413 **Filing Date:** December 3, 2004

Title: METHOD OF FABRICATING VERTICAL STRUCTURE LEDS

Documents Filed:

- Transmittal Form (1 page)
- Fee Transmittal Form (1 page)
- Petition Pursuant to 37 CFR 1.182 and Submission of Declaration Under 37 CFR 1.47(b) (2pages)
- Declaration of Mark R. Kresloff (3 pages)
- Attachments (Tabs A-M)
- Declaration and Power of Attorney (3 pages)

Check in the amount of $200.00

OIPE IAP40
OCT 06 2005
PATENT & TRADEMARK OFFICE

Via: PTO Daily Run

Sender's Initials: MRK/AJJ/amd **Date:** October 6, 2005

9

Atty Docket No.: 10401.011.10-US

Applicant: Jong-Lam LEE, et al.

Application No.: 11/002,413 **Filing Date:** December 3, 2004

Title: METHOD OF FABRICATING VERTICAL STRUCTURE LEDS

Documents Filed:

- Transmittal Form (1 page)
- Fee Transmittal Form (1 page)
- Petition Pursuant to 37 CFR 1.182 and Submission of Declaration Under 37 CFR 1.47(b) (2pages)
- Declaration of Mark R. Kresloff (3 pages)
- Attachments (Tabs A-M)
- Declaration and Power of Attorney (3 pages)

Check in the amount of $200.00

Via: PTO Daily Run

Sender's Initials: MRK/AJJ/amd **Date:** October 6, 2005

PTO/SB/21 (08-03)
Approved for use through 07/31/2006. 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.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	11/002,413
Filing Date	December 3, 2004
First Named Inventor	LEE, Jong Lam
Art Unit	2811
Examiner Name	Not Yet Assigned
Attorney Docket Number	10401.011.10
Total Number of Pages in This Submission	

ENCLOSURES (*Check all that apply*)

- [X] Fee Transmittal Form
  - [X] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [X] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] After Allowance Communication to Group
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to Group **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [X] Other Enclosure(s) (please identify below):
  - * Declaration of Mark R. Kresloff with attachments A-M
  - * Declaration and Power of Attorney

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name for:	MarK R. Kresloff, Reg. No. 42,766 MCKENNA LONG & ALDRIDGE LLP
Signature	Anthony Josephson Reg. No. 45,742
Date	October 6, 2005

PTO/SB/17 (12-04)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004
Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL FOR FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 200.00

Complete if Known	
Application Number	11/002,413
Filing Date	December 3, 2004
First Named Inventor	LEE, Jong Lam
Examiner Name	Not Yet Assigned
Art Unit	2811
Attorney Docket No.	10401.011.10

METHOD OF PAYMENT (check all that apply)

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

☐ Deposit Account ☐ Deposit Account Number **50-0911** ☐ Deposit Account Name: _____

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

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

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

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

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

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

2. EXCESS CLAIM FEES

Fee Description	**Fee ($)**	**Small Entity Fee ($)**
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims _____ - 20 or HP = _____ **Extra Claims** x **Fee ($)** _____ = **Fee Paid ($)** _____

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

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

HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims **Fee ($)** _____ **Fee Paid ($)** _____

3. APPLICATION SIZE FEE

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

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

4. OTHER FEE(S) **Fee Paid ($)**

Other: _____ _____

Other: Petition Fee $200.00

SUBMITTED BY			
Signature	Anthony Josephson Reg. No. 45,748	Registration No. (Attorney/Agent)	Telephone (202) 496-7513
Name (Print/Type) for:	Mark R. Kresloff	42,766	Date October 6, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 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.

Docket No. 10401.011.10-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Jong-Lam LEE et al.	Customer No.: 30827
Application No.: 11/002,413	Confirmation No.: 8458
Filed: December 3, 2004	Art Unit: 2811
For: METHOD OF FABRICATING VERTICAL STRUCTURE LEDS	Examiner: Not Yet Assigned

PETITION PURSUANT TO 37 CFR 1.182 AND SUBMISSION OF DECLARATION UNDER 37 CFR 1.47(b)

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

Dear Sir:

The Assignee of the entire rights and interest in the above-identified patent application hereby petitions the Commissioner of Patents pursuant to 37 CFR 1.182 and submits a Declaration under 37 CFR 1.47(b), as each of the three inventors of the above-identified application have refused to sign the Declaration or cannot be located. In support thereof, the Assignee submits the Declaration of Mark R. Kresloff dated October 4, 2005, which provides the pertinent facts, the last known address of each inventor, and proof that each inventor has either refused to sign the Declaration or cannot be located.

The above-named inventors assigned their entire right and interest in the above-referenced patent application to Oriol, Inc., the assignment of which is recorded at Reel 016051, Frame 0151, as shown in the attached Notice of Recordation of Assignment Document. Oriol, Inc., is currently in bankruptcy. The Trustee in Bankruptcy of the estate of Oriol, Inc., Carol Wu, assigned all rights and interests to the Assignees, L.G. Electronics Inc., as illustrated in the attached Assignment of Patents.

The inventors were employees of Oriol. Inc., at the time of inventing the subject matter of the above-identified patent application. The Assignee does not have a relationship with any of the inventors.

The Assignee asserts, as the owner of the above-identified patent application, the filing of the application is necessary to preserve their property rights in this application.

In light of the foregoing, this application is deemed to be in proper condition for issuance and such favorable action is earnestly solicited.

Our check in the amount of $ 200.00 covering the fee set forth in 37 CFR 1.17(g) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0911, under Order No. 10401.011.10-US. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. §1.136 for the necessary extension of time. A duplicate copy of this paper is enclosed.

Dated: October 6, 2005

Respectfully submitted,

Anthony Josephson
Reg. No. 45,742

By _____

for: Mark R. Kresloff
Registration No.: 42,766
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorney for Applicant

Docket No.: 10401.011.10-US

IN The UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) Jong-Lam LEE

SERIAL NO: 11/002,413

FILING DATE: December 3, 2004

FOR: METHOD OF FABRICATING VERTICAL STRUCTURE LEDS

DECLARATION OF MARK R. KRESLOFF

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

I, Mark Kresloff, hereby declare the following:

1. The present application is a divisional of U.S. Patent Application No. 10/118,316, which is now abandoned.

2. On October 11, 2004, we received a Notice of Allowance for the parent application (i.e., U.S. Patent Application No. 10/118,316). However, in reviewing the file in preparation of paying the Issue Fee, it was discovered that the Declaration and Power of Attorney form, filed on November 27, 2002, was defective. Although the Declaration was signed by all three inventors, it did not include the citizenship information for inventor Jong-Lam Lee, the residence and citizenship information for inventor In-Kwon Jeong, and the residence and citizenship information for inventor Myung Cheol Yoo.

3. On December 3, 2005, the present application was filed. However, the Declaration in the parent application cannot be used due to the aforementioned defects.

4. In-Kwon Jeong's address is 10697 Rosewood Rd., Cupertino, Ca. 95014-6028. His phone number is (408) 257-5720.

5. On February 24, 2005, we sent a letter, via certified mail, to Mr. Jeong. The letter enclosed a new, corrected Declaration/Power of Attorney. In the letter, we requested that he verify the citizenship and address information, execute the document and return it to me. Mr. Jeong did not respond. Unfortunately, we never received the certified mail, return receipt. Nevertheless, I include a copy of the February 24, 2005 letter. See Tab A.

6. On March 18, 2005, I spoke with Mr. Jeong on the telephone. During the conversation, I identified the present application to him, and I explained why the Declaration needed to be re-signed. Mr. Jeong said that he did not want to sign anything without first speaking to his attorney. I encouraged him to do so; however, I also told Mr. Jeong that I was going to mail him another copy of the Declaration and

Power of Attorney form, along with a return envelope. During the telephone conversation, I also verified that the above-identified address for Mr. Jeong was correct.

7. On March 18, 2005, I mailed to Mr. Jeong, via Federal Express, another copy of the new, corrected Declaration and Power of Attorney form. See Tab B.

8. As of the date of this Petition, Mr. Jeong has not responded to any of our requests.

9. Dr. Myung C. Yoo's address is 614 Abbie Court, Pleasanton, Ca. 94566. His telephone number is (925) 484-5825.

10. On February 25, 2005, we mailed a letter, via certified mail, to Dr. Yoo. The letter enclosed a new, corrected Declaration/Power of Attorney. In the letter, we requested that he verify the citizenship and address information, execute the document and return it to me. Dr. Yoo did not respond. Unfortunately, we never received the certified mail, return receipt. Nevertheless, I include a copy of the February 24, 2005 letter. See Tab C.

11. On March 2, 2005, we spoke with Dr. Yoo on the telephone. During the conversation, we identified the present application, and explained why the Declaration needed to be re-signed. We agreed to resend a copy of the new, corrected Declaration along with a self-addressed, return envelope. A letter, also dated March 2, 2005, was sent to Dr. Yoo, enclosing the new, corrected Declaration, via Federal Express. See Tab D.

12. On March 4, 2005, Dr. Yoo mailed a letter to us requesting that we send him a copy of the application. We received the letter on March 7, 2005. See Tab E. In response, I mailed a copy of the present application to Dr. Yoo. Again, we requested that Dr. Yoo sign the Declaration that was sent to him on March 2, 2005. This letter was sent to Dr. Yoo on March 7, 2005, via Federal Express. See Tab F. Dr. Yoo never replied.

13. On April 15, 2005, I mailed Dr. Yoo yet another letter, via certified mail. See Tab G. The letter was received at Dr. Yoo's home on April 20, 2005, as evidenced by the certified mail return receipt. See Tab H. In this letter, I again requested that Dr. Yoo execute the Declaration. But I explained that if he did not do so, I planned to go forward with the prosecution of the present application based on the assumption that he was now refusing to sign the Declaration.

14. As of the date of this Petition, Dr. Yoo has not responded to any of our requests.

15. On May 11, 2005, I mailed a letter, via DHL, to Mr. Jong-Lam Lee at Faculty Housing E-1401, Jigok-dong 756, Nam-gu P'ohang, Kyungbuk 790-784, Republic of Korea. The letter enclosed a new, corrected Declaration/Power of Attorney. In the letter, I identified the present application and I explained the reasons why the Declaration had to be re-signed. I also asked him to verify the citizenship and address information, execute the Declaration and return it to me. See Tab I.

16. I did not receive a response from Dr. Lee to the May 11, 2005 letter. As such, I performed an internet search for Dr. Lee which the following address for Dr. Lee:

Department of Materials Science and Engineering at Pohang University of Science and Technology (POSTECH) San 31 Hyoja-dong, Nam-gu, Pohang, Kyungbuk, Korea. His telephone number is 82-54-279-2152. His email address is jllee@postech.ac.kr. See Tab J.

17. On July 5, 2005, an email was sent to Dr. Lee which had a new, corrected Declaration/Power of Attorney attached. In the email, we asked that he verify the information and contact us so that we could forward to him, via United Parcel Service, the corrected Declaration/Power of Attorney. See Tab K.

18. We did not receive a response to the July 5, 2005 email. Thus, on August 16, 2005, we mailed a letter, via Federal Express, to Dr. Lee at the following address: Department of Materials Science and Engineering at Pohang University of Science and Technology (POSTECH) San 31 Hyoja-dong, Nam-gu, Pohang, Kyungbuk, Korea. The letter enclosed a new, corrected Declaration/Power of Attorney. In the letter, we identified the present application and we explained the reasons why the Declaration had to be re-signed. We also asked him to verify the citizenship and address information, execute the Declaration and return it to us. See Tab L. The letter, along with the corrected Declaration/Power of Attorney was delivered on August 19, 2005, as evidenced by the attached tracking information which includes the packing slip. See Tab M.

19. As of the date of this Petition, Dr. Lee has not responded to any of our requests.

20. I declare under penalty of perjury that the foregoing is true and correct.

10-4-05
Date

Mark Kresloff
Reg. No. 42,766

Docket No.: 10401.011.10
(PATENT)

Declaration and Power of Attorney

WE (I) the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

_____

the specification of which

☐	Is attached hereto.		
X	was filed on	**December 3, 2004**	
		as Application No.	**11/002,413**
		and amended on	
☐	was filed as PCT international application		
	Number		
	on		
	and was amended under PCT Article 19		
	on		(if applicable).

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

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

Application No.		Country		Day/Month/Year	Priority Claimed			
					☐	Yes	☐	No

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

_____ (Application Number) _____ (Filing Date)

Docket No.: 10401.011.10
(PATENT)

We (I) hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, 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 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.		Filing Date		Status (pending, patented, abandoned)
10/118,316		April 9, 2002		Abandoned

We (I) hereby appoint the practitioners associated with Customer No. 30827, with full powers of substitution and revocation, to prosecute the patent application identified above and filed herewith and to transact all business in the U.S. Patent and Trademark Office connected therewith; and we (I) hereby request that all correspondence regarding this application be sent to Song K. Jung of McKenna Long & Aldridge LLP, Attorneys At Law, 1900 K Street, N.W., Washington, D.C. 20006.

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

Jong-Lam Lee

NAME OF FIRST INVENTOR

Signature of Inventor

Date

Residence:

Citizen of: Republic of Korea

Post Office Address: c/o - Department of Materials of Science and Engineering
Pohang University of Science and Technology
San 31 Hyoja-dong, Nam-gu,
Pohang, Kyungbuk, Korea

In-Kwon Jeong

NAME OF SECOND INVENTOR

Signature of Inventor

Date

Residence: 10697 Rosewood Road
Cupertino, Ca 95014-6028

Citizen of: Republic of Korea

Post Office Address:

Docket No.: 10401.011.10
(PATENT)

Dr. Myung C. Yoo

NAME OF THIRD INVENTOR

Signature of Inventor

Date

Residence: 614 Abbie Court

Pleasant, CA 94566

Citizen of: Republic of Korea

Post Office Address:

I declare that L.G. Electronics, Inc., having a principle place of business at 20, Yoido-dong, Youngdungpo-gu, Seoul, Republic of Korea, 150-721 is the rightful owner of this invention. Furthermore, I am authorized to sign on behalf of L.G. Electronics Inc.

10-4-05

Date

Mark Kresloff
Reg. No. 42,766

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

PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

MAILED

JUN 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Molnar et al.	:	
Application No. 11/896,801	:	DECISION ON PETITION
Filed: September 6, 2007	:	
Attorney Docket No. 025002.0101PTUS	:	

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

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed September 2, 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 3, 2009. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of $810.00, and (3) a statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1420 extension of time fee submitted with the petition on April 15. 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account and credit card.

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

This application is being referred to Technology Center AU 2873 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: Rikard Johansson	: DECISION ON REQUEST FOR
Patent Number	: 7636648	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/896,886	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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

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

COPY MAILED

DEC 2 2 2008

OFFICE OF PETITIONS

In re Application of :
Iguchi, et al. : DECISION ON PETITION
Application No. 11/896,925 :
Filed: September 6, 2007 :
Atty. Dkt. No: 108179-00065 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed November 21, 2008.

The application was held abandoned for failure to timely submit a proper reply to non-final Office action mailed March 21, 2008. The non-final Office action set a three month shortened statutory period of time for reply. This decision precedes Notice of Abandonment.

Petitioners assert non-receipt of the non-final Office action in that applicants did not receive "e-notification" that the Office action was pending.

Internal USPTO investigation reveals that on March 28, 2008, email notification was sent to applicants regarding the non-final Office action. Applicants reviewed the email notification on March 29, 2008. However, the non-final Office action was not made available in PAIR until May 7, 2008. Applicants never received further notification concerning the non-final Office action.

In view thereof, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated.

Further, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

This application is being forwarded to Group Art Unit 3673 for re-mailing of the non-final Office action. The time period for reply to the non-final Office action will be set forth therein.

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

Alesia M. Brown
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

STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

COPY MAILED

OCT 1 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Henderson et al.	:	
Application No. 11/896,968	:	DECISION ON PETITION
Filed: September 7, 2007	:	
Attorney Docket No: P09367US00/DEJ	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed September 25, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 26, 2007. A Notice of Abandonment was mailed June 5, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings and a replacement abstract; (2) the petition fee of $770.00, and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to 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

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

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Takashi Matsumoto	: DECISION ON REQUEST FOR
Patent Number	: 7629855	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/896,993	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **89** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

THOMAS J. GERMINARIO, ESQ.
154 ROUTE 206
CHESTER, NJ 07930

COPY MAILED

OCT 0 2 2007

OFFICE OF PETITIONS

In re Application of
Hans FREI
Application No. 11/896,998
Filed: September 6, 2007
Attorney Docket No. HF-07/UP

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 7, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of applicant's driver license. Accordingly, the above-identified application has been accorded "special" status.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/20/2010

Applicant	: Mahito Shikama	: DECISION ON REQUEST FOR
Patent Number	: 7614290	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/897,000	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **81** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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

KRIEGSMAN & KRIEGSMAN
30 TURNPIKE ROAD, SUITE 9
SOUTHBOROUGH, MA 01772

COPY MAILED

JUL 07 2008

OFFICE OF PETITIONS

In re Application of
Andreas Obrebski
Application No. 11/897,009
Filed: August 28, 2007
Attorney Docket No. 82710
For: Optical Device, Use of an Optical Device According to the Invention As Well As Method For Blocking Light Reflections in the Observation Beam Path of an Optical Device

Decision According Status Under 37 CFR 1.47(b)

This is in response to the petition under 37 CFR 1.47(b), filed March 20, 2008.

The petition is **granted**.

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

The Office of Patent Application Processing will be informed of the instant decision so that it may continue to prepare the application for examination.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICE OF ROBERT E. KASODY
PROFESSIONAL CORPORATION
6601 CENTER DRIVE WEST, SUITE #500
LOS ANGELES, CA 90045

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Ralph L. Abato, Jr.	:	DECISION ON PETITION
Application No. 11/897,037	:	TO WITHDRAW
Filed: August 28, 2007	:	FROM RECORD
Attorney Docket No. 5588	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 16, 2008.

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

A review of the file record indicates that on December 29, 2008 the power of attorney to the Law Office of Robert E. Kasody 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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Law Office of Edward A. Sokoloski
Suite 105
3868 Carson Street
Torrance CA 90503-6706

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

JONATHAN F. YATES
LIELL & MCNEIL ATTORNEYS PC
P.O. BOX 2417
BLOOMINGTON, IN 47402

In re Application of	
Archie L. Johnson	
Application No. 11/897,040	DECISION ON PETITION
Filed: August 29, 2007	TO MAKE SPECIAL UNDER
Attorney Docket No. Johnson	37 CFR 1.102(c)(1)

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

The petition is **GRANTED**.

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

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

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 05/07/2010

Applicant	: Marc D. Galasso	: DECISION ON REQUEST FOR
Patent Number	: 7635110	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/897,055	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/28/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **289** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

COPY MAILED
FEB 02 2010

In re Patent No. 7627526	:	
Issue Date: 12/01/2009	:	
Application Number: 11/897107	:	ON PETITION
Filing or 371(c) Date: 08/28/2007	:	
Attorney Docket Number: 027030-000110US	:	

This is a decision on the petition filed November 9, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LUCAS & MERCANTI LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

COPY MAILED

APR 09 2008

OFFICE OF PETITIONS

In re Application of	:	
Begemann, et al.	:	
Application No. 11/897,133	:	ON PETITION
Deposited: August 29, 2007	:	
Attorney Docket No. GOS-28	:	

This is in response to the "PETITION OF INCORPORATION BY REFERENCE UNDER 37 CFR 1.57(A)", filed December 26, 2007, requesting that the above-referenced application be accorded a filing date of August 29, 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 August 29, 2007. However, on December 11, 2007, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.78.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one process 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).

[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.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of August 29, 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. 13-3848.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to August 29, 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

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

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

COPY MAILED

MAR 12 2008

OFFICE OF PETITIONS

In re Application of	:
Hideki Kotake et al.	:
Application No. 11/897,200	: DECISION ACCORDING STATUS
Filed: August 29, 2007	: UNDER 37 CFR 1.47(a)
Attorney Docket No. TIMI 3.0-047 CONT	:
CONT CO	

This is in response to the petition filed February 22, 2008 under 37 CFR 1.47(a).

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

The above-identified application was filed on August 29, 2007, without an executed oath or declaration. Accordingly, on September 19, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the instant petition under 37 CFR 1.47(a) filed with a three month extension of time request was filed arguing that joint inventors Kotake, Iijima, Hyodo and Yoshino refuse to sign the declaration and thus by their actions to cooperate with the filing of the instant application.

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

The petition bears proof that the application papers were forwarded by mail or email to the non-signing inventors, that the application papers have been received by the non-signing inventors but that to date, neither has 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 inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

COPY MAILED

MAR 2 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Yang, et al.	:	DECISION REFUSING STATUS
Application No. 11/897,224	:	UNDER 37 CFR 1.47(a)
Filed: August 29, 2007	:	
Attorney Docket No. MS1-3336US	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 14, 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(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.

The instant petition fails to satisfy (1), (2), and (4) set forth above.

The required petition fee is $200.00. Petitioners' deposit account has been charged the remaining $70.00.

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 **Mo Chen**, such that the declaration can be accepted under 37 CFR 1.47(a).

Petitioners allege joint inventor, Mo Chen, cannot be found or reached following a diligent effort to contact him. Petitioners allege the inventor did not respond to email sent to his two last known

email addresses. The emails consisted of patent filing documents and reminders. Petitioners have included copies of some of the emails. Petitioners state the joint inventors do not know Mo Chen's whereabouts and could not provide a last known address. Petitioners state applicant's inventor database (i.e., Microsoft Corporation, Redmond WA) did not have further information on Mo Chen's whereabouts and that former supervisors at Microsoft Research Asia do not know his whereabouts.

Where inability to find or locate a named inventor is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing Mo Chen. 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 provide further information concerning Mo Chen's personnel records, such as what inspection of the records reveals as to a current address, forwarding address, or an address of the nearest living relative. Petitioners could inspect phone directories for address locations for such persons. Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventor's last known address. Therefore, at the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. Chen'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.

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.

As to item (2), the Combined Declaration and Power of Attorney submitted is not in compliance with 37 CFR 1.63 and 1.64. The declaration fails to set forth inventor Mo Chen's proper address, listing instead a business address where the inventor apparently no longer works.

As to item (4), an application filed pursuant to 37 CFR 1.47 must state the last known address of the nonsigning inventor. That address should be the last known address at which the inventor customarily receives mail. *See*, MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor. Inasmuch as a nonsigning 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 nonsigning inventor may be reached should also be given. *See*, MPEP 409.03(e).

Further 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 605.03.

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) 272-3205.

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

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

COPY MAILED

DEC 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Yang, et al.	:	DECISION REFUSING STATUS
Application No. 11/897,224	:	UNDER 37 CFR 1.47(a)
Filed: August 29, 2007	:	
Attorney Docket No. MS1-3336US	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed October 24, 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(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.

The renewed petition fails to satisfy (1), (2), and (4) 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 **Mo Chen**, such that the declaration can be accepted under 37 CFR 1.47(a).

Petitioners continue to allege that joint inventor Mo Chen cannot be found or reached following a diligent effort to contact him. Petitioners reiterate that inventor did not respond to email sent to his two last known email addresses. Petitioners state that Mo Chen's last known address is unknown and attribute this to the fact that Mr. Chen was a student intern for assignee. Petitioners allege that an hour long internet search for information concerning the inventor yielded a

Tsinghua University, Beijing, People's Republic of China (PROC) affiliation. Petitioners further assert that the email address revealed by this search is that of an email address already known to petitioners. Copy of email communication with an individual who turned out not to be the Mo Chen sought accompanies the instant petition. Petitioners further state that the "Office notes that a search may be conducted using "the regional or national registry(s)". Applicant would sincerely appreciate any information as to the existence of a regional or national registry in the Peoples Republic of China (P.R. China)."

Petitioners allege that "numerous people have been involved at Lee & Hayes, PLLC and Microsoft Corporation over a period of more than or year. None of these people has been able to contact "Mo Chen" or provide any personal information other than a last known email address." Internet searches have been performed by Dana Calhoun and Brian Pangrle at Lee & Hayes, PLL these searches produced the already known personal information, specifically an email, address associated with "Mo Chen".

The arguments and evidence set forth in the petition have been carefully reviewed, but are not convincing. The only additional facts presented would seem to be reference to an hour long internet search, contact with a Mo Chen other than the non-signing inventor, and a request for the Office's assistance for information concerning regional or national registries in the PROC.

It cannot be found that petitioners have provided sufficient evidence to establish that despite diligent effort, the non-signing inventor cannot be located. Petitioners have not provided copies of the internet search(es) alleged to have been conducted. There is no evidence effort has been made to locate the non-signing inventor via the university or even telephone directories. Petitioners' allege that "numerous people" at Lee & Hayes, PLLC and Microsoft Corporation have been involved, presumably in the search for the non-signing inventor. Statements from these numerous people have not been provided. Further, the petition does not make clear what efforts these numerous people have undertaken to locate the inventor. Instead, the petition seems stress that the last known address of the non-signing inventors is unknown because Mr. Chen was a mere "student intern." Lastly, while the Office may offers suggestions as to sources of information to locate a non-signing inventor, the burden is on petitioners to provide documentary evidence that despite diligent effort, the non-signing inventor cannot be reached or located.

As previously advised, where inability to find or locate a named inventor is alleged, a statement of facts from persons with first hand knowledge 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.

As to item (2), the Combined Declaration and Power of Attorney submitted is not in compliance with 37 CFR 1.63 and 1.64. The declaration fails to set forth inventor Mo Chen's proper address, listing instead a business address where the inventor apparently no longer works. A newly executed oath or declaration in compliance with 37 CFR 1.63 and 1.64 is required.

As to item (4), an application filed pursuant to 37 CFR 1.47 must state the last known address of the nonsigning inventor. That address should be the last known address at which the inventor customarily receives mail. *See*, MPEP § 605.03. Ordinarily, the last known address will be the

last known residence of the nonsigning inventor. Inasmuch as a nonsigning 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 nonsigning inventor may be reached should also be given. *See*, MPEP 409.03(e).

Further 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 605.03. Correction upon renewed petition is required.

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

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

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

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

Telephone inquiries should 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

MAILED

MAR 16 2010

OFFICE OF PETITIONS

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

In re Application of	:	
Yang, et al.	:	DECISION REFUSING STATUS
Application No. 11/897,224	:	UNDER 37 CFR 1.47(a)
Filed: August 29, 2007	:	
Attorney Docket No. MS1-3336US	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed April 20, 2009.

The petition is GRANTED.

Petitioner has shown that despite diligent effort to do so, the non-signing inventor cannot be located.

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

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

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mo Chen
Renmin University of China
Hui Long Guan, Beijing 100872
Changping District
CHINA

MAILED

MAR 16 2010

OFFICE OF PETITIONS

In re Application of
Yang, et al.
Application No. 11/897,224
Filed: August 29, 2007
Attorney Docket No. MS1-3336US

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: LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

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. 3777

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/897,224	08/29/2007 RULE 1.47	382	2624	MS1-3336US

APPLICANTS

Qiong Yang, Beijing, CHINA;
Chao Wang, Hefei, CHINA;
Mo Chen, Beijing, CHINA;
Xiaoou Tang, Beijing, CHINA;
Zhongfu Ye, Hefei, CHINA;

**** CONTINUING DATA ****************************

This appln claims benefit of 60/853,063 10/20/2006

**** FOREIGN APPLICATIONS ***********************

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 09/14/2007

		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed 35 USC 119 (a-d) conditions met Verified and Acknowledged	☐ yes ☐ no ☐ yes ☐ no ☐ Met after Allowance Examiner's Signature Initials	CHINA	13	20	3

ADDRESS
22801

TITLE

Progressive cut: interactive object segmentation

FILING FEE RECEIVED		
1160	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

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

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

MAILED

FEB 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Robert R. Lube	:	
Application No. 11/897,254	:	DECISION ON PETITION
Filed: August 28, 2007	:	TO WITHDRAW
Attorney Docket No. **2704/48789/1**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed December 18, 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 20350 has been revoked by the applicants of the patent application on January 22, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 WEST ADAMS STREET
SUITE 3600
CHICAGO IL 60603

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

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

MAILED

FEB 16 2010

OFFICE OF PETITIONS

In re Application of Robert R. Lube Application No. 11/897,261 Filed: August 28, 2007 Attorney Docket No. **2704/48796/3**	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed December 18, 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 20350 has been revoked by the applicants of the patent application on January 22, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 WEST ADAMS STREET
SUITE 3600
CHICAGO IL 60603

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

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

COPY MAILED

MAR 02 2009

OFFICE OF PETITIONS

In re Application of	:	
Jonathon Linner, et al.	:	
Application No. 11/897,266	:	DECISION ON PETITION
Filed: August 28, 2007	:	TO WITHDRAW
Attorney Docket No. PA3613US	:	FROM RECORD
	:	

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 20, 2009.

The request is **APPROVED**.

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

The request was signed by Ronald L. Rohde on behalf of all attorneys of record who are associated with customer No. 22830. All attorneys/agents associated with the Customer Number 22830 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

There are no pending Office actions at the present time.

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

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

cc: JONATHON LINNER
270 EAST LANE
BURLINGAME, CA 94010

cc: LIMBO, INC.
270 EAST LANE
BURLINGAME, CA 94010

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
11/897,266	08/28/2007	Jonathon Linner	PA3613US

CONFIRMATION NO. 3683

POWER OF ATTORNEY NOTICE

22830
CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

OC000000034740002

Date Mailed: 02/26/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/20/2009.

- 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.

/amwise/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/20/2010

Applicant	: Hiroshi Katayama	: DECISION ON REQUEST FOR
Patent Number	: 7600753	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/897,309	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **146** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICES OF MIKIO ISHIMARU
333 W. EL CAMINO REAL
SUITE 330
SUNNYVALE CA 94087

COPY MAILED
DEC 17 2008

In re Application of	:	
Shrivathsan et al.	:	
Application No. 11/897,314	:	NOTICE
Filed: August 30, 2007	:	
Attorney Docket No. 59-009	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 1, 2008.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

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

Paper No.

RENNER KENNER GREIVE BOBAK TAYLOR & WEBER
FIRST NATIONAL TOWER FOURTH FLOOR
106 S. MAIN STREET
AKRON OH 44308

COPY MAILED

NOV 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Oie et al.	:	
Application No. 11/897,362	:	DECISION ON PETITION
Filed: August 30, 2007	:	PURSUANT TO
Attorney Docket No. KYO.P0079	:	37 C.F.R. § 1.181(A)
Title: CURRENCY PROCESSING	:	
APPARATUS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on September 29, 2009.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed February 11, 2009, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on May 12, 2009. A notice of abandonment was mailed on September 21, 2009.

With this petition, Petitioner has asserted that both an amendment and remarks were timely filed, and both were timely received on May 11, 2009. Petitioner has submitted both a copy of this response and a postcard receipt that establishes that a "Response and Amendment" were received in the Office on May 11, 2009.[1]

1 It is noted that the amendment contains a certificate of mailing; however it does not appear that Petitioner has provided a statement from the individual who executed the same. See 37 C.F.R. § 1.8(b)(3).

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted. It appears that this submission was subsequently misplaced in the Office.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment and the remarks that were received on September 29, 2009 with this petition (originally received on May 11, 2009) can be processed in due course.

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

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[2] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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

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

Charles L. Hamilton
Fountainhead Law Group P.C.
Ste. 509
900 Lafayette St.
Santa Clara, CA 95050

COPY MAILED

MAY 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Fernandes et al.	:	
Application No. 11/897,413	:	Decision Refusing to Accord
Filed: August 29, 2007	:	Status Under 37 CFR 1.47(a)
Attorney Docket No. 000044-000103US	:	
For: Payment Systems and Method	:	

This is a decision on the petition under 37 CFR 1.47(a), filed January 22, 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. No further petition fee is required for the request. 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 current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
(2) a proper oath or declaration executed by the available joint inventor(s),
(3) the fee of $200 as specified in 37 CFR 1.17(g), and
(4) the last known address of the non-signing inventor(s).

In addition to the above requirements, the signing inventors must sign the declaration on behalf of the non-signing inventor. See MPEP 409.03(a).

The instant petition fails to satisfy items (1) and (2) above.

As to item (1), petitioner has failed to prove the non-signing inventor refused to sign the declaration or cannot be found after diligent effort.

Petitioner states the application papers mailed to the last known address for Wyatt were returned to sender as "unclaimed." The record fails to indicate "unclaimed" is an indication Wyatt resided at the address, but failed to claim the letter. Instead, unclaimed may indicate Wyatt no longer resides at the address.

Petitioner has failed to list any diligent efforts made to ensure the last known address for Wyatt is correct or to locate Wyatt. Diligent effort to locate an inventor can involve steps such as contacting directory assistance for phone numbers for individuals named Timothy Wyatt in California and Internet Searches. Sending mail to a last known address, without any further action, will not constitute diligent effort.

An internet search indicates that Timothy Wyatt *may* reside at 2541 Berrywood Drive, Rancho Cordova, CA 95670. Petitioner may wish to attempt to contact Wyatt at the address. The Office supplies this information as a courtesy and hopes the information assists petitioner in locating the inventor. The Office has not verified that the information is correct nor does the information, if inaccurate, release petitioner from the obligation to exercise diligent effort to find the non-signing inventor.

As to item (2) listed on the prior page, per 37 CFR 1.63, unless included in an ADS, a mailing address for each inventor must appear in the declaration. The ADS filed August 29, 2007, does not include a mailing address for inventor Wyatt. Therefore, the declaration must include a mailing address for Wyatt. However, the declaration does not include a mailing address for Wyatt.

Any request for reconsideration should include proof diligent effort has been made to find Wyatt and a Supplemental ADS including a mailing address for Wyatt. In the alternative, if Wyatt is found and a signature obtained, the request for reconsideration only needs to include a declaration signed by Wyatt.

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

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

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

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Charles L. Hamilton
Fountainhead Law Group P.C.
Ste. 509
900 Lafayette St.
Santa Clara, CA 95050

COPY MAILED
SEP 19 2008

In re Application of	:	
Fernandes et al.	:	Decision Noting Joinder of Inventor and
Application No. 11/897,413	:	Decision Dismissing Any Request for
Filed: August 29, 2007	:	Status Under 37 CFR 1.47(a)
Attorney Docket No. 000044-000103US	:	
For: Payment Systems and Method	:	

Papers filed on September 16, 2008, in response to a Decision refusing to accord status under 37 CFR 1.47(a) mailed on May 29, 2008, include a Declaration signed by the previously non-signing inventor in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under Rule 1.47(a) is unnecessary.

Therefore, the petition is **dismissed as moot**.

The Office of Patent Application Processing will be informed of the instant decision so that it may continue taking steps to prepare the application for examination.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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

Tyco Healthcare Group LP
60 MIDDLETOWN AVENUE
NORTH HAVEN, CT 06473

Mail Date: 04/21/2010

Applicant	: Lee Ann Olson	: DECISION ON REQUEST FOR
Patent Number	: 7635074	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/897,447	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **78** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

COPY MAILED
DEC 10 2007
OFFICE OF PETITIONS

In re Application of	:	DECISION
James P. Schneider	:	ON PETITION
Application No. 11/897489	:	
Filing or 371(c) Date: 08/29/2007	:	
Title of Invention:	:	
EMBEDDING A SECRET IN A BIT	:	
STRING FOR SAFEGUARDING	:	
THE SECRET	:	

This is a decision on the "Petition Under 37 CFR 1.182, filed October 26, 2007, requesting the above-identified application be accorded a filing date of August 29, 2007, including pages 5, 7 and 25 of the specification, and drawing Figure 5.

The petition is dismissed.

Background

Application papers were filed in the above-identified application on August 29, 2007. On September 26, 2007, the Office of Patent Application Processing mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had been accorded a filing date; however, pages 5, 7 and 25 of the specification, and drawing Figure 5, described in the specification, appeared to have been omitted from the application.

Applicant responds with the present petition and requests inclusion of the inadvertently omitted pages 5, 7 and 25 of the specification, and drawing Figure 5. In support of this request, Applicant files a Declaration of Marilyn Bass, wherein Ms. Bass states that she prepared filing labels for each of seven Figures associated with the application, and that she also photocopied each page of the application and figures and double checked each page to ensure that they were correct. Ms. Bass states that she stapled the application and Figures, and again checked to ensure that each and every page of the application and figures was included in the application filing.

A review of the application file

A review of the application file reveals that this Office did not receive pages 5, 7 and 25 of the specification. A review of the drawings figures in the application file reveals that this Office received Figures 1, 2, 3, 4A, 4B, and 6, for a total of 6 Figures.

The present petition

The present petition includes what is putatively "a complete and correct copy of the patent application and figures as Express Mailed to the PTO on August 29, 2007." A review of the drawing Figures filed with the petition reveals that six (6) pages of drawings, Figures 1, 2, 3, 4A, 5 and 6 were putatively filed as per the petition. However, the Declaration of Ms. Bass asserts that seven drawings, Figures 1, 2, 3, 4A, 4B, 5 and 6, were filed.

Applicable Law, Rules and MPEP

The Manual of Patent Examining procedure ("MPEP") provides as follows:

> If a receipt for any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. To ensure the receipt of return receipt postcards, users must either: (A) purchase already stamped postcards from the United States Postal Service (USPS) or affix postage stamps to their postcards; or (B) if a postage meter is used, ensure that the meter postmark does not show the date. Any return receipt postcard containing a dated meter postmark may not be delivered by the USPS to the address provided on the postcard.
> Users are reminded that they are solely responsible for placing the proper postage on self-addressed postcards that are submitted to the USPTO for the purpose of obtaining a receipt for correspondence being filed in the USPTO. Users should check with the USPS regarding postage and what size cards are acceptable to the USPS. Any return receipt postcard that does not contain sufficient postage or is not acceptable may not be delivered by the USPS to the address provided on the postcard, and, if returned to the USPTO, may be discarded.
> The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail.
> A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. The identifying data on the postcard should be so complete as to clearly identify the item for which a receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or

declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application). The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.

Analysis

In this instance, Applicant has not included a return-receipt postcard. The Transmittal Form serves only as evidence of what was intended to be filed by Applicant. As such, Applicant has failed to demonstrate the filing of pages 5, 7 and 25 of the specification, and drawing Figure 5, on August 29, 2007.

Regarding the declaration of Ms. Bass, Applicant is advised that the USPTO file is the official record of the papers actually received or filed. The file does not contain a copy of pages 5, 7 and 25 of the specification, and drawing Figure 5. Applicant's (Ms. Bass') recollection of events that had occurred seven weeks prior to the filing of the Declaration is not more persuasive than Office records. Moreover, the Bass Declaration, filed to support the petition, is contradicted by the petition.

Conclusion

Applicant has failed to demonstrate that pages 5, 7 and 25 of the specification, and drawing Figure 5, were present on filing. Applicant's recollection of events that occurred more than three months prior to the filing of the petition is not more persuasive than the application file.

The petition under 37 CFR 1.182 to establish receipt in the Office of pages 5, 7 and 25 of the specification, and drawing Figure 5, is dismissed.

Applicant may attempt entry of pages 5, 7 and 25 of the specification, and drawing Figure 5 by way of a preliminary amendment. The issue of new matter is appropriately addressed by the Examiner.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 29, 2007, using the application papers filed on that date.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED

SEP 24 2009

OFFICE OF PETITIONS

In re Application of	:
Larry Emanuel Kekempanos et al.	:
Application No. 11/897,504	: DECISION ON PETITION
Filed: August 30, 2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. VDX5064USNP	:

This is a decision on the petition filed August 4, 2009, under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of a prior-filed international PCT application (Application No. PCT/US058/08602).

The petition is **DISMISSED**.

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

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

The petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by

application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application.

Applicant's reference states this application "is a non-provisional application which claims priority to PCT/US2005/008602 filed March 14, 2005 which in turn claims priority to PCT/US2004/005848 filed February 26, 2004."

With respect to the reference, "claims priority" does not comply with 37 CFR 1.78(a)(2)(i) in that the reference does not state the relationship between 11/897,504, the instant application, and PCT/US2005/008602.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either a Supplemental Application Data Sheet (signed in compliance with 37 CFR 1.33(b) and in compliance with 37 CFR 1.76) or a substitute amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Deposit account no. 10-0750 has been charged in the amount of $1410.00 for the petition under 37 CFR 1.78(a)(3).

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
40l Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

NOV 23 2009

OFFICE OF PETITIONS

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of
Larry Emanuel Kekempanos et al.
Application No. 11/897,504
Filed: August 30, 2007
Attorney Docket No. VDX5064USNP

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

This is a decision on the renewed petition filed October 2, 2009, under 37 CFR 1.78(a)(6). The petition is properly treated under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of prior-filed international PCT applications, Application No. PCT/US2005/008602 and Application No. PCT/US2004/005848.

The renewed petition is **DISMISSED**.

A petition filed September 21, 2009 was dismissed September 24, 2009 because Applicant's reference stated, "this application is a non-provisional application which claims priority to PCT/US2005/008602 filed March 14, 2005 which in turn claims priority to PCT/US2004/005848 filed February 26, 2004." Petitioner was advised that the reference, "claims priority" does not comply with 37 CFR 1.78(a)(2)(i) in that the reference does not state the relationship between 11/897,504, the instant application, and PCT/US2005/008602.

Comes now petitioner with the instant renewed petition which provides, "--This is a non-provisional application which is a continuation of and claims priority to PCT/US2005/008602 filed March 14, 2005 which in turn claims priority to PCT/US2004/005848 filed February 26, 2004.--"

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

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

submitted;

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

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

The instant petition still does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application.

Applicant's reference states this application "is a non-provisional application which claims priority to PCT/US2005/008602 filed March 14, 2005 which in turn claims priority to PCT/US2004/005848 filed February 26, 2004."

With respect to the reference, "which in turn claims priority" does not comply with 37 CFR 1.78(a)(2)(i) in that the reference does not state the relationship between PCT/US2005/008602 and PCT/US2004/005848.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either a Supplemental Application Data Sheet (signed in compliance with 37 CFR 1.33(b) and in compliance with 37 CFR 1.76) or a substitute amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

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

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

By hand:
Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

COPY MAILED
MAR 05 2010

In re Application of
William J. Allard et al.
Application No. 11/897,504
Filed: August 30, 2007
Attorney Docket No. VDX5064USNP

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

This is a decision on the second renewed petition filed December 15, 2009, under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of prior-filed international PCT applications, Application No. PCT/US2005/008602 and Application No. PCT/US2004/005848.

The renewed petition is **GRANTED**.

A petition filed September 21, 2009 was dismissed September 24, 2009 because Applicant's reference stated, "this application is a non-provisional application which claims priority to PCT/US2005/008602 filed March 14, 2005 which in turn claims priority to PCT/US2004/005848 filed February 26, 2004." Petitioner was advised that the reference, "claims priority" does not comply with 37 CFR 1.78(a)(2)(i) in that the reference does not state the relationship between 11/897,504, the instant application, and PCT/US2005/008602. A renewed petition filed October 2, 2009 was again dismissed in a decision mailed November 23, 2009, because the reference used in the amendment provided, "which in turn claims priority" did not comply with 37 CFR 1.78(a)(2)(i) in that the reference did not state the relationship between PCT/US2005/008602 and PCT/US2004/005848.

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.

Comes now petitioner with the instant renewed petition which provides, "--This is a non-provisional application which is a continuation of and claims priority to PCT/US2005/008602 filed March 14, 2005 which PCT application is a continuation of and claims priority to PCT/US2004/005848 filed February 26, 2004.--"

All 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 international PCT applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1642 for appropriate action on the amendment filed December 15, 2009, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) for the benefit of the prior-filed international PCT applications.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/897,504	08/30/2007	1642	1830	VDX5064USNP	30	4

CONFIRMATION NO. 4689

CORRECTED FILING RECEIPT

27777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

OC000000039484846

Date Mailed: 01/06/2010

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

Applicant(s)

William J. Allard, Harleysville, PA;
Gerald V. Doyle, Radnor, PA;
Daniel F. Hayes, Ann Arbor, MI;
Michael Craig Miller, Quakertown, PA;
Leon W.M.M Terstappen, Huntington Valley, PA;

Power of Attorney:
James Wilcox--30234
Joseph Aceto--50701

Domestic Priority data as claimed by applicant

This application is a CON of PCT/US05/08602 03/14/2005
which is a CON of PCT/US04/05848 02/26/2004
which claims benefit of 60/450,519 02/27/2003
and claims benefit of 60/524,759 11/25/2003

Foreign Applications

If Required, Foreign Filing License Granted: 11/27/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/897,504**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method for predicting progression free and overall survival at each follow-up time point during therapy of metastatic breast cancer patients using circulating tumor cells

Preliminary Class

435

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

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

Paul, Hastings, Janofsky & Walker, LLP
875 15th Street, NW
Washington, DC 20005

COPY MAILED
SEP 15 2008

In re Application of	:	
Wen-Tsan Yeh Yeh	:	
Application No. 11/897,513	:	DECISION ON PETITION
Filed: August 30, 2007	:	TO WITHDRAW
Attorney Docket No. 73477.00023.CIP1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 19, 2008.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Magnadyne Corporation
Attn: Barry Caren//Chris Duval
1111 W. Victoria Street
Compton, CA 90220

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

GRAYBEAL JACKSON HALEY LLP
Suite 350
155-108th Avenue N.E.
Bellevue WA 98004-5973

COPY MAILED

MAR 21 2008

OFFICE OF PETITIONS

In re Application of :
Saul :
Filed: August 29, 2007 : ON PETITION
Application No. 11/897,525 :
Atty. Dkt. No.: 2518-015-03 :

This decision is in response to the "RESPONSE TO NOTICE OF MISSING DRAWINGS" filed December 26, 2007. This matter is being treated as a petition to accord the above-identified application a filing date of August 29, 2007 with Figures 33 and 34 as part of the original application as filed.

The application was filed August 29, 2007. The Notice mailed September 19, 2007 indicated that the application had been accorded a filing date but that Figures 33 and 34 of the specification appeared to have been omitted from the application as filed.

In response, the petitioner herein argues that the application as deposited included Figures 33 and 34 and have presented as proof of mailing and proof of receipt of the drawing figures in question a return postcard date stamped by the Office on August 29, 2007. A copy of Figures 33 and 34 purportedly filed with the application was submitted herewith.

The original of Figures 33 and 34 have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of August 29, 2007 is GRANTED.

Since the original of Figures 33 and 34 cannot be located in the Office, the copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of

August 29, 2007 with Figures 33 and 34 as part of the application.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

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

WEIDE & MILLER, LTD.
7251 W. LAKE MEADE BLVD.
SUITE 530
LAS VEGAS NV 89128

MAILED

JAN 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Sam JOHNSON, et al	:	
Application No. 11/897,532	:	DECISION ON PETITION
Filed: August 20, 2007	:	TO WITHDRAW
Attorney Docket No. LVGI.0012P	:	FROM RECORD
	:	

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 30, 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 R. Scott Weide on behalf of the attorneys of record associated with Customer No. 32856 .

The attorneys of record associated with Customer No. 32856 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

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

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: LAS VEGAS GAMING, INC.
4000 ALI BABA LANE
LAS VEGAS, NV 89118

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
11/897,532	08/30/2007	Sam Johnson	LVGI.0012P

CONFIRMATION NO. 5253

POWER OF ATTORNEY NOTICE

32856
WEIDE & MILLER, LTD.
7251 W. LAKE MEAD BLVD.
SUITE 530
LAS VEGAS, NV 89128

OC000000039820156

Date Mailed: 01/25/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/30/2009.

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

/dcgoodwyn/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WEIDE & MILLER, LTD.
7251 W. LAKE MEADE BLVD.
SUITE 530
LAS VEGAS NV 89128

MAILED

JAN 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Sam JOHNSON, et al	:	
Application No. 11/897,533	:	DECISION ON PETITION
Filed: August 20, 2007	:	TO WITHDRAW
Attorney Docket No. LVGI.0051P	:	FROM RECORD
	:	

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 30, 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 R. Scott Weide on behalf of the attorneys of record associated with Customer No. 32856 .

The attorneys of record associated with Customer No. 32856 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

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

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: LAS VEGAS GAMING, INC.
4000 ALI BABA LANE
LAS VEGAS, NV 89118

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
11/897,533	08/30/2007	Sam Johnson	LVGI.0051P

CONFIRMATION NO. 5250

POWER OF ATTORNEY NOTICE

32856
WEIDE & MILLER, LTD.
7251 W. LAKE MEAD BLVD.
SUITE 530
LAS VEGAS, NV 89128

OC000000039820218

Date Mailed: 01/25/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/30/2009.

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

/dcgoodwyn/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

MAILED

NOV 09 2009

OFFICE OF PETITIONS

Applicant: Heston et al.
Appl. No.: 11/897,539
Filing Date: August 30, 2007
Title: COMPOUNDS WHICH BIND PSMA AND USES THEREOF
Attorney Docket: 3786.1001-005
Pub. No.: US 2008/0311037 A1
Pub. Date: December 18, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 20, 2009, for the above-identified application.

Applicant requests that the application be republished because the patent application republication contains material errors, including two instances of missing text in claim 74, and certain other typographical errors.

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 due to missing text in claim 74 is a material Office error, and claim 74 will be corrected.

The errors noted by requestor with respect to claims 25, 29, 80, 82, 83, 92, 96, 100, and 101 are <u>not</u> Office errors. These errors are due to the quality of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR

[1] <u>Changes to Implement Eighteen-Month Publication of Patent Applications</u>, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, <u>Off. Gaz. Pat. Office Notices</u> 63, 75 (Oct. 10, 2000) (final rule).

1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit . . . electronic capture by use of digital imaging and optical character recognition." As set forth at MPEP 1121, "applications with poor quality text, which may be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b)."

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

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

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

GREENSFELDER HEMKER & GALE PC
SUITE 2000
10 SOUTH BROADWAY
ST LOUIS MO 63102

COPY MAILED

OCT 1 2 2007

OFFICE OF PETITIONS

In re Application of

Donald J. Avery
Application No. 11/897,562
Filed: August 31, 2007
Attorney Docket No. 12185-8804201

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 31, 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 3728 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

MAILED

MAY 17 2010

OFFICE OF PETITIONS

FANELLI STRAIN & HAAG PLLC
1455 PENNSYLVANIA AVE., N.W., SUITE 400
WASHINGTON, DC 20004

In re Application of	:	
Giorgio Cattaneo et al	:	
Application No. 11/897,567	:	DECISION ON PETITION
Filed: August 31, 2007	:	TO WITHDRAW
Attorney Docket No. 067802-4000-006	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICE OF JAY R. HAMILTON, PLC.
331 W. 3RD ST.
NEW VENTURES CENTER SUITE 120
DAVENPORT, IA 52801

COPY MAILED

MAR 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
YOUNG, Roger T.	:	**CORRECTED**
Application No. 11/897,586	:	DECISION ON PETITION
Filed: August 31, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **USPA-0087**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 04, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Robert T. Young 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 3725 for action on the merits commensurate with this decision.

Michelle R. Eason

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
www.uspto.gov

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

COPY MAILED

JUN 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Scott E. Moore	:	
Application No. 11/897,591	:	DECISION ON PETITION
Filed: August 31, 2007	:	TO WITHDRAW
Attorney Docket No. 303.547US8	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 5, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Schwegman, Lundberg & Woessner/Micron has been revoked by the assignee of the patent application on January 9, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

April M. Wise
Petitions Examiner
Office of Petitions

cc: VICTOR SANTOS
GREENBURG TAURIG, LLP
2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA, CA 90404

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

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO, IL 60606-6357

Appl No.: 11/897,600
Applicant: Jae Moon
Filed: August 31, 2007
For: Lithography Method for Forming a Circuit Pattern

DECISION ON PETITION TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84, filed November 13, 2007, requesting acceptance of color drawings.

The petition is GRANTED.

The petition requests that the color drawings identified as Figures 14 and 15 be accepted in lieu of black and white drawing.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by (i) a fee set forth in 37 C.F.R. § 1.17(h), (ii) three (3) sets of color drawings, and (iii) the specification must contain the following language as the first paragraph in the portion of the specification relating to the brief description of the drawings:

"*The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.*"

The petition was filed with the required fees, three (3) sets of the color drawing figures identified above and the required language in the specification as quoted above. Accordingly, the petition complies with all the requirements under 37 C.F.R. § 1.84(a)(2).

The application is being forwarded to the Office of Publication for issuance of a patent.

Any inquiries regarding this decision should be directed to Jack Chiang, Supervisory Patent Examiner, at (571) 272-7483.

Edward Lefkowitz, Acting Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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

HOWARD IP LAW GROUP
P.O. BOX 226
FORT WASHINGTON PA 19034

COPY MAILED

MAR 0 5 2008

OFFICE OF PETITIONS

In re Application of

KURTZ, Anthony D. et al.
Application No. 11/897,619
Filed: August 31, 2007
Attorney Docket No.

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 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. 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, files were reassigned to the below mentioned firm, does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

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

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 Dec-08

DELPHINE M. JAMES
2656 SOUTH LOOP WEST #170
HOUSTON TX 77054

COPY MAILED

DEC 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Ray Charles Davis	:	
Application Number: 11/897622	:	
Filing Date: 02/19/2008	:	DECISION ON PETITION
Attorney Docket Number:	:	
DMJ06222006	:	

This is a decision on the "PETITION TO ACCEPT FEES UNDER 35 USC 21(a)" filed on October 27, 2008, which is treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

The application became abandoned on July 27, 2008, for failure to timely file a proper reply to the Notice to File Corrected Application Papers mailed on March 27, 2008, which set a two (2) month shortened period for reply.[1] On August 27, 2008, applicant filed replacement drawings, and a two (2)-month extension of time. On September 23, 2008, however, the Office mailed a Notice of Incomplete Reply (Nonprovisional) information petitioner that the reply filed on August 27, 2008, failed to include replacement drawings in accordance with 37 CFR 1.84 and 1.121(d) and an oath or declaration[2] identifying the citizenship of each inventor.

On October 27, 2008, the subject petition was filed. Petitioner requests relief because counsel was unable to access his Office as a result of Hurricane Ike. Petitioner states that counsel was unable to access his office building for 5 days after the storm, and "my office was down from 9/10/2008 through 10/4/2008."

---

[1] It is noted that a two (2) month extension of time was requested, and the fee paid therefor, with the response filed on August 27, 2008. However, a three (3) month extension of time was required to make the reply filed on August 27, 2008, a proper reply to the Notice to File Corrected Application Papers mailed on March 27, 2008.

[2] An executed oath or declaration was required by the Notice to File Missing Parts mailed on September 17, 2007. The declaration filed on February 19, 2008 did not contain a proper statement of the inventor's citizenship.

Petitioner's argument has been considered, but is not persuasive. In this regard, the Office communication mailed on September 23, 2008, which petitioner asserts receipt of and response to was delayed by Hurricane Ike, was a Notice of Incomplete Reply which stated that the time period set in the previous Notice continued to run.

37 CFR 1.135(b) states, in pertinent part, that prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require.

The Notice of Incomplete Reply (Nonprovisional) mailed on September 23, 2008, was mailed as a courtesy to inform applicant that the previously-filed response was defective. It is the responsibility of the applicant, however, not the Office, to ensure that a proper and timely response is filed. While the Office attempts to timely notify applicants of deficiencies in their responses, it is under no obligation to do so.[3] Accordingly, whether or not applicant received a Notice of Incomplete Reply (Nonprovisional), a proper and timely response to the Notice to File Corrected Application Papers mailed on March 27, 2008 was required to be filed.

Further, with regard to petitioner's assertion that the drawings filed on August 27, 2008, were a proper response, petitioner's assertion is not more persuasive than the showing of the official file. The documents located in the official file were found to be deficient, and petitioner was therefore properly required to file new documents.

In summary, while this situation is unfortunate, the failure to timely file a proper reply was the result of applicant mistake in not filing a proper response rather than Office error. Mistakes of applicants or their representatives do not merit withdrawal of the holding of abandonment.

The petition is **dismissed.**

ALTERNATIVE VENUE

---

[3] 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).

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to 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).

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**[4]

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

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

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

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64

[4] 37 CFR 1.181(f).

PTO/SB/64 (11-08)
Approved for use through 12/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

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

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

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

1. Petition fee

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

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

2. Reply and/or fee

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

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

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

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

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

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

3. Terminal disclaimer with disclaimer fee

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

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

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

WARNING:

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

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures:
☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other:_____

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

I hereby certify that this correspondence is being:

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

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

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

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 Mar-09

DELPHINE M. JAMES
2656 SOUTH LOOP WEST #170
HOUSTON TX 77054

MAILED

MAR 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Ray Charles Davis	:	ON PETITION
Application Number: 11/897622	:	
Filing Date: 02/19/2008	:	
Attorney Docket Number:	:	
DMJ06222006	:	

This is a decision on the petition filed on February 3, 2009, under 37 CFR 1.137(b).[1]

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)"

---

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

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

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

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

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

The application became abandoned on July 27, 2008, for failure to timely file a proper reply to the Notice to File Corrected Application Papers mailed on March 27, 2008, which set a two (2) month shortened period for reply. On August 27, 2008, applicant filed replacement drawings, and a two (2)-month extension of time. On September 23, 2008, however, the Office mailed a Notice of Incomplete Reply (Nonprovisional) informing petitioner that the reply filed on August 27, 2008, failed to include replacement drawings in accordance with 37 CFR 1.84 and 1.121(d) and an oath or declaration identifying the citizenship of each inventor. The petition to withdraw the holding of abandonment filed on October 27, 2008 was dismissed on December 1, 2008.

The petition lacks item (2). The petition fee has not been paid in the proper amount. The current fee for a petition under 37 CFR 1.137(b) is $810.00 for a small entity. The subject petition was accompanied by payment of $270.00. A balance of $540.00 is required to be filed before the petition will be considered.

The PTO will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.[2]

It is also noted that an oath or declaration in compliance with 37 CFR 1.63 identifying the application by application number and identifying the citizenship of each inventor must be supplied to avoid further processing delays.

It is suggested that petitioner use the attached form when filing any renewed petition.

Any renewed petition must be accompanied by payment of the petition fee in the proper amount.

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

---

[2] See Krahn v. Comm'r, 15 USPQ2d 1823, 1825 (E.D. Va. 1990).

Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64

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 May-09

DELPHINE M. JAMES
2656 SOUTH LOOP WEST #170
HOUSTON TX 77054

MAILED

MAY 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Ray Charles Davis	:	
Application Number: 11/897622	:	
Filing Date: 02/19/2008	:	ON PETITION
Attorney Docket Number:	:	
DMJ06222006	:	

This is a decision on the renewed petition under 37 CFR 1.137(b)[1] filed on April 6, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on May 28, 2008, for failure to timely file a proper reply to the Notice to File Corrected Application Papers mailed on March 27, 2008, which set a two (2) month shortened period for reply. On August 27, 2008, applicant filed replacement drawings, and a two (2)-month extension of time.[2] On September 23, 2008, however, the Office mailed a

---

[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)).

[2] The reply filed on August 27, 2008 was also untimely, as a three (3) month extension of time was required to make the reply filed on August 27, 2008, a timely response to

Notice of Incomplete Reply (Nonprovisional) informing petitioner that the reply filed on August 27, 2008, failed to include replacement drawings in accordance with 37 CFR 1.84 and 1.121(d) and an oath or declaration identifying the citizenship of each inventor. The petition to withdraw the holding of abandonment filed on October 27, 2008 was dismissed on December 1, 2008. The petition under 37 CFR 1.137(b) filed on February 3, 2009, was dismissed on March 3, 2009.

The subject renewed petition was filed on April 6, 2009, and is accompanied by the balance of the petition fee due and one (1) sheet of replacement drawings.

ITEMS REQUIRED TO AVOID PROCESSING DELAYS

It is also noted that an oath or declaration in compliance with 37 CFR 1.63 identifying the application by application number and identifying the citizenship of each inventor should be supplied with any reply to avoid further processing delays.

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

the Notice mailed on March 27, 2008. Only a two (2) month extension of time was filed on August 27, 2008, however.

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

FULBRIGHT AND JAWORSKI LLP
555 S. FLOWER STREET, 41ST FLOOR
LOS ANGELES, CA 90071

COPY MAILED

SEP 08 2008

OFFICE OF PETITIONS

In re Application of	:	
Sean Allen NEIBERGER, et al	:	
Application No. 11/897,623	:	DECISION ON PETITION
Filed: August 30, 2007	:	TO WITHDRAW
Attorney Docket No. LA-7193-103/10714144	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 26, 2008.

The request is **APPROVED**.

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

The request was signed by Gregory B. Wood behalf of all attorneys associated with Customer Number 00167.

All attorneys associated with Customer Number 00167 have been withdrawn.

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

The correspondence 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: ALLEN REED COMPANY, INC.
11400 WEST OLYMPIC BLVD., SUITE 600
LOS ANGELES, CA 90054

PTO/SB/130 (08-08)
Approved for use through 08/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it 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	11897628	Confirmation Number	5632	Filing Date	2007-08-31
Attorney Docket Number (optional)	07-779	Art Unit	3626	Examiner	
First Named Inventor	Lisle, Michael J.				
Title of Invention	Method and System for Billing and Payment for Medical Services				

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
Michael	J.	Lisle	

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 H. Baniak/	Date (YYYY-MM-DD)	2008-08-18
Name	Michael H. Baniak	Registration Number	30608

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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Michael J. Lisle

Application No. 11897628

Filed: August 31,2007

Attorney Docket No. 07-779

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 18-AUG-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 28 2010

OFFICE OF PETITIONS

Robin B. Palmer
1092 Brookview Avenue
Westlake Village CA 91361

In re Application of	:	
Robin B. Palmer	:	
Application No.: 11/897,753	:	ON PETITION
Filed: August 31, 2007	:	
Attorney Docket No: 07-19443	:	

This is a decision on the petition under 37 CFR §1.137(b), March 23, 2010, to revive the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely manner to the non-final Office action mailed June 9, 2008. The notice set a shortened statutory period for reply of three months from its mailing date. A proper response was not received within the allowable period, and the application became abandoned on September 10, 2008. A Notice of Abandonment was mailed December 19, 2008.

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 pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional 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 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(c).

The instant petition does not satisfy the requirements of item (1) above. The petition was not accompanied by a bona fide response to the non-final Office action that specifically addresses the rejections made in the non-final Office action and makes amendments to the claims. See 37 CFR 1.111. The renewed petition must be accompanied by a response to the non-final Office action that complies with 37 CFR 1.111. No additional petition fee is required.

It is noted that the petition fee was paid twice. The amount of $810.00 will refunded, in due course.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

Telephone inquiries concerning this matter may 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

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

COPY MAILED

JUN 09 2008

In re Application of	:	
Thorsten KNOBLOCH	:	
Application No. 11/897,768	:	DECISION ON PETITION
Filed: August 31, 2007	:	
Attorney Docket No. 10718Q	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed September 19, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 20, 2007.

The petition satisfies the 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 September 19, 2007 is accepted as having been unintentionally delayed.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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

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

COPY MAILED

JUN 09 2008

In re Application of	:	
Thorsten KNOBLOCH et al.	:	
Application No. 11/897,777	:	DECISION ON PETITION
Filed: August 31, 2007	:	
Attorney Docket No. **10715MQ**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed September 26, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 27, 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 September 26, 2007 is accepted as having been unintentionally delayed.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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

SCOTT A. MOSKOWITZ
16711 COLLINS AVENUE, #2505
SUNNY ISLES BEACH FL 33160

COPY MAILED

DEC 15 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Scott A. Moskowitz :
Application No. 11/897,790 :
Filed: August 31, 2007 :
Attorney Docket No. :
031854.0024CONT4143

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

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely pay the issue and publication fees on or before August 10, 2009 as noted in the Notice of Allowance and Fees due mailed May 8, 2009.

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

The petition submitted on September 21, 2009, is unsigned. Note 37 CFR 1.33(b).

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 www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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

SCOTT A. MOSKOWITZ
16711 COLLINS AVENUE, #2505
SUNNY ISLES BEACH FL 33160

COPY MAILED

JAN 04 2010

In re Application of	:	
Scott A. Moskowitz	:	
Application No. 11/897,790	:	DECISION ON PETITION
Filed: August 31, 2007	:	
Attorney Docket No.	:	
031854.0024CONT4143	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed May 8, 2009, is accepted as having been unintentionally delayed.

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Scott A. Moskowitz
16711 Collins Avenue, #2505
Sunny Isles Beach, FL 33160

Mail Date: 04/21/2010

Applicant	: Scott A. Moskowitz	: DECISION ON REQUEST FOR
Patent Number	: 7664958	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/897,790	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jan-10

THE INVENTORS NETWORK, INC.
332 ACADEMY STREET
CARNEGIE PA 15106

COPY MAILED
JAN 07 2010

In re Application of :
Wesley Stuart Greene :
Application Number: 11/897865 : DECISION ON PETITION
Filing Date: 09/04/2007 :
For: AUTOMOTIVE REPAIR TOOL :
WITH DETACHABLE STRIKER :

This is a decision on the petition under 37 CFR 1.137(b),[1] filed on October 22, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on March 17, 2009, for failure to file a timely reply to the final Office action mailed on December 16, 2008, which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on September 23, 2009.

Petitioner states that the reply being filed is a concurrently-filed continuation-in-part application. A review of Office PALM records reveals that continuing Application No. 12/589,259 was filed on October 22, 2009.

---

[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)).

Since this application is revived for purposes of continuity only with continuing Application No. 12/589,259, filed on October 22, 2009, and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of the above-referenced application.

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.

There is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be mailed. 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.

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

Cc:

PETER LOFFLER
P.O. BOX 1001
NICEVILLE FL 32588-1001

---

[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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

DEC 29 2009

OFFICE OF PETITIONS

BRUCE D. GRAY, ESQ.
BUCHANAN INGERSOLL & ROONEY, PC
PO BOX 1404
ALEXANDRIA, VA 22313-1404

In re Application of
Markus Brunner
Application No. 11/897,875
Filed: August 31, 2007
Attorney Docket No. 1033300-000225

DECISION ON PETITION

This is a decision on the petition, filed October 20, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed February 23, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on October 14, 2009.

Petitioner asserts that the Office action dated February 23, 2009 was not received.

A review of the written record indicates an irregularity in the mailing of the Office action of February 23, 2009. In this regard, the Office action in question was returned to the Office February 23, 2009. Office records indicate that there was a power of attorney filed February 10, 2009 and processed on February 23, 2009 with the new address. Accordingly, as the Office action was returned to the Office, the Notice of Abandonment mailed October 14, 2009 is **hereby vacated and the holding of abandonment withdrawn**.

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

This application is being referred to the Technology Center technical support staff of Art Unit 3729 for re-mailing the Office action of February 23, 2009 and resetting the period for reply.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

MAR 0 5 2008

OFFICE OF PETITIONS

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

In re Application of
MOORE, Scott E.
Application No. 11/897,888
Filed: August 31, 2007
Attorney Docket No. **076838-150107/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 December 05, 2007.

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

A review of the file record indicates that the power of attorney to GREENBERG TRAURIG, LLP (SV) has been revoked by the assignee of the patent application on January 09, 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.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GREENBERG TRAURIG, LLP (SV)**
IP DOCKETING
2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA CA 90404

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

DEC 21 2007

OFFICE OF PETITIONS

CORNING INCORPORATED
SP-TI-3-1
CORNING NY 14831

In re Application of
Shawn Michael O'Malley
Application No. 11/897,899
Filed: August 30, 2007
Attorney Docket No. SP07-168

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10(d) first filed on October 29, 2007.

The petition is **dismissed.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.10".

The instant petition was filed to correct what petitioner believed was an incorrect filing date accorded the above-cited application. Petitioner maintains that the correct filing date for the application should be August 31, 2007, not the currently accorded date of August 30, 2007. In support thereof, petitioner filed an a copy of Express Mail label, tracking number EV848309155US with the date-in as August 30, 2007.

Section 1.10(d) of the Title 37 of the Code of Federal Regulations indicates if a showing is made that the "date-in" on the Express Mail label was incorrectly entered or omitted by the United States Postal Service, a petition to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the United States Postal Service, provided that:

(1) the petition is filed promptly after the person becomes aware that the Office has accorded or will accord a filing date based upon an incorrect entry by the USPS;

(2) the number on the Express Mail mailing label was placed on a paper(s) or fee(s) that constitute the correspondence prior to the original mailing by Express Mail; and

(3) the petition includes a showing which established, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within

one business day of the deposit of the correspondence in the "Express Mail Post office to Addressee" service of the USPS.

The instant petition does not satisfy the requirements of item (3) above.

Section 513 of the Manual of Patent Examining Procedure, provides in pertinent part, that:

> The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log.
>
> The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date-in," or other official USPS notation, on the "Express Mail" mailing label. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail."
>
> A petition alleging that the USPS erred in entering the "date-in" will be denied if it is supported only by evidence (other than from the USPS) which was:
>
> (A) created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or
>
> (B) created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail").
>
> On the other hand, a notation in a log book, entered after deposit by the person who deposited the correspondence as "Express Mail" within one business day of such deposit, setting forth the items indicated above, would be deemed on petition to be an adequate showing of the date of deposit under 37 CFR 1.10(d)(3).

Relative to item (3) above, petitioner's docket entry corroborating the mailing of the subject application was not found with instant petition. The docket entry is material to satisfying item (3) above. The undersigned must be able to review the docket entry to determine if it is of any probative value in light of

the *MPEP* § 513 cited above. Any renewed petition filed must be accompanied by the copy of the relevant docket entry[1].

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

By mail: Mail Stop Petitions
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

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

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

Kenya A. McLaughlin
Petitions Examiner
Office of Petitions

[1] If petitioner is able to obtain a copy of the "Track and Confirm" sheet for this package from the USPS website, this may also be considered *prima facie* evidence that the application was deposited with the USPS Express Mail Service on August 31, 2007.

kkUNITED 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

WEY FUN
BLK. 512, #10-508, BUKIT BATOK ST.52
SINGAPORE 65051-2 SG SINGAPORE

COPY MAILED
FEB 26 2008
OFFICE OF PETITIONS

In re Application of	:	
Wey Fun	:	
Application No. 11/897,902	:	DECISION ON PETITION
Filed: September 4, 2007	:	
For: SYSTEM AND METHOD FOR INTUITIVE	:	
INTERACTIVE NAVIGATIONAL CONTROL IN	:	
VIRTUAL ENVIRONMENTS	:	

This is a decision on the request filed October 26, 2007, which is being treated under 37 CFR 1.181 (no fee), requesting refund of the filing fee for the above-identified application.

The petition is **DISMISSED**.

Petitioner asserts that the instant application was an unintended duplicate filing.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings when the following conditions have been met:

(1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing was received by the Office;

(2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

(3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;

(4) the duplicate application must have been filed on or after March 16, 2006;

(5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and

(6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

The instant petition lacks items (5) and (6) above.

Accordingly, the petition for refund of a duplicate filing fee under 37 CFR 1.181 cannot be granted at this time.

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

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

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

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of
Ozguz, et al.
Application No. 11/897,938
Filed: August 31, 2007
Attorney Docket No. 088245-9298

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

This is a decision on the petition under 37 CFR 1.78(a)(6), filed June 29, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

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

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

This pending nonprovisional application was filed on August 31, 2007. Application No. 10/347,038, an application listed in the benefit chain, was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/348,852, which was filed on January 17, 2002, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title and in an ADS.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed provisional application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an

application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the newly added 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).

Petitioners should alter the language of the benefit claim with respect to the provisional application by eliminating the phrase, "...which in turn is related to..." and instead use the phrase, "...which in turn claims the benefit of...."

In addition, the benefit claim should be altered to eliminate the phrase, "... to which priority is claimed pursuant to 35 U.S.C. §119" because that phrase modifies the phrase "each of which are incorporated herein by reference" and that phrase relates to nonprovisional applications, not provisional applications. 35 U.S.C. §119 has no bearing on the nonprovisional applications.

Regarding the statement of unintentional delay: 37 CFR § 1.78(a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement and correcting the benefit claim language, are required.

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

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

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

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

Any questions concerning this matter may be directed to 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

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

MAILED

AUG 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Ozguz, et al.	:	
Application No. 11/897,938	:	DECISION ON PETITION
Filed: August 31, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 088245-9298	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed July 31, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **GRANTED.**

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

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

This pending nonprovisional application was filed on August 31, 2007. Application No. 10/347,038, an application listed in the benefit chain, was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/348,852, which was filed on January 17, 2002, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title and in an ADS.

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

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2819 for processing the RCE filed on June 29, 2009 and for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application and for consideration of the amendment filed on July 31, 2009.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/897,938	08/31/2007	2819	1845	088245-9298	2	2

CONFIRMATION NO. 5824

CORRECTED FILING RECEIPT

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

OC000000037334846

Date Mailed: 08/13/2009

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)

Volkan Ozguz, Aliso Viejo, CA;
Randolph S. Carlson, Carson City, NV;
Keith Gann, Tustin, CA;
John Leon, Anaheim, CA;
W. Eric Boyd, San Clemente, CA;

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

Domestic Priority data as claimed by applicant

This application is a CIP of 11/037,490 01/18/2005 PAT 7,265,579
which is a CON of 10/347,038 01/17/2003 PAT 6,856,167
which claims benefit of 60/348,852 01/17/2002

Foreign Applications

If Required, Foreign Filing License Granted: 09/17/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/897,938**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

FIELD PROGRAMMABLE GATE ARRAY UTILIZING DEDICATED MEMORY STACKS IN A VERTICAL LAYER FORMAT

Preliminary Class

326

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

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

CHIH-TA STAR SUNG
RM. 308, BLD. 52, NO. 195, SEC. 4
CHUNG HSIN RD.
JUHDONG 310 TW TAIWAN

MAILED

MAY 21 2010

OFFICE OF PETITIONS

In re Application of
Chih-Ta Star Sung
Application No. 11/897,947
Filed: September 4, 2007
Title of Invention: SENSING SCHEME FOR THE SEMICONDUCTOR MEMORY

ON PETITION

This is a decision on the petition filed April 5, 2010 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **DISMISSED**.

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

This application became abandoned for failure to timely reply to the non-Final Office Action mailed September 1, 2009. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned December 2, 2009. Accordingly, a Notice of Abandonment was mailed March 24, 2010.

---

[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)).

While the petition points to a "Petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b) (PTO/SB/64)" and a "Statement under 37 CFR 3.73(b)", neither was included with the papers filed on April 5, 2010.

In view thereof, this matter cannot be receive any further treatment until such time as the petition and statement under 37 CFR 3.73(b) if required as well as all other requirements under 37 CFR 1.137(b) have been met.

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

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

By FAX: (571)273-8300

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHIH-TA STAR SUNG
RM. 308, BLD. 52, NO. 195, SEC. 4
CHUNG HSIN RD.
JUHDONG 310 TW TAIWAN

MAILED

JUN 18 2010

OFFICE OF PETITIONS

In re Application of
Chih-Ta Star Sung
Application No. 11/897,947
Filed: September 4, 2007
Title of Invention: SENSING SCHEME FOR THE SEMICONDUCTOR MEMORY

ON PETITION

This is a decision on the renewed petition filed June 8, 2010 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 1, 2009. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned December 2, 2009. Accordingly, a Notice of Abandonment was mailed March 24, 2010. A decision mailed May 21, 2010 noted that while correspondence filed April 5, 2010 pointed to a "Petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b) (PTO/SB/64)" and a "Statement under 37 CFR 3.73(b)", neither was included with the papers filed on April 5, 2010.

Comes now petitioner with the instant renewed petition. All other requirements having been met, this matter is being referred to the Publishing Division to be processed into a patent.

---

[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)).

The duplicate petition fee in the amount of $810.00 paid on April 5, 2010 will be refunded to the credit card provided in due course.

This matter is being referred to Technology Center 2824 for appropriate action on the amendment filed with the instant petition.

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

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

DOCKET CLERK
P.O. BOX DRAWER 800889
DALLAS TX 75380

Applicants: Ford D. Albritton IV
Appl. No.: 11/897,985
Filing Date: August 31, 2007
Title: NUTRITIONAL SUPPLEMENT
Attorney Docket: ALBR01-00007
Pub. No.: US 2008/0061023 A1
Pub. Date: March 5, 2009

COPY MAILED
FEB 08 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 30, 2009, for the above-identified application.

The request is granted.

Applicant requests that the application be republished because the patent application publication contains a material error in claims 9, 14 and 15, also since these errors are being corrected, the errors to page 4 and 5 of the specification will also be corrected.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED

MAR 04 2009

OFFICE OF PETITIONS

Applicant: Roth et al.
Appl. No.: 11/898,024
Filing Date: September 7, 2007
Title: MARKER FOR A MAGNETIC THEFT PROTECTION SYSTEM AND METHOD FOR ITS PRODUCTION
Attorney Docket: 0070747-000006
Pub. No.: US 2008/0088451 A1
Pub. Date: April 17, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 29, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in claim 11, wherein the word "preferably", which was deleted in the preliminary amendment still appears in the publication.

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 claim 11 noted by requestor may be an Office error, but it is not a material Office error under 37 CFR 1.221. The mistake is a typographical error, which does not affect the understanding of the application, as the claim is clearly understandable from reading the claim and specification, as the word which was not deleted does not modify any element. 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).

To assist the Office in avoiding these types of errors, the application should be filed with a clean set of claims. Since 1997, the Office has encouraged applicants to file patent applications under 35 U.S.C. 111(a), especially continuation and divisional applications, without preliminary amendments by including any desired changes as part of the specification and drawings of the new application.

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

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 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

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

ATTN: MAQUITA WONG
THE HONG KONG POLYTECHNIC UNIVERSITY
SUITE 600, MAILBOX #119
1800 DIAGONAL ROAD
ALEXANDRIA VA 22314

COPY MAILED

OCT 27 2008

OFFICE OF PETITIONS

In re Application of	:	
CHENG, Li et al.	:	
Application No. 11/898,089	:	DECISION ON PETITION
Filed: September 10, 2007	:	TO WITHDRAW
Attorney Docket No. **IP-419A**	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

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

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

There are no outstanding office actions at this time.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **LI CHENG**
THE HONG KONG POLYTECHNIC UNIVERSITY
HUNG HOM, KOWLOON
HONG KONG

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

MAY 08 2009

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re application of Shoji Ogimura Application No. 11/898,171 Filed: September 10, 2007 For: EXHAUST PIPE CONNECTING DEVICE	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 4, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of the preliminary amendment filed May 4, 2009 with the petition, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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.

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

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 5/7/09

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.
11/898,172	09/10/2007	Junichi Yasuhara	132699	1612

7590 03/11/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
03/11/2009	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

Repin. Ref: 03/12/2009 BPOWELL 0016195900
DOA:150461 Name/Number:11898172
FC: 9204 $1500.00 CR

Adjustment date: 03/12/2009 BPOWELL
09/11/2007 SZEWDIE1 00000071 11898172
02 FC:1111 -500.00 OP
04 FC:1202 -600.00 OP
05 FC:1201 -400.00 OP

FORM PET651G (Rev. 08/07)

Repln. Ref: 03/12/2009 BPOWELL 0016195900
DA#:150461 Name/Number:11898172
FC: 9204 $1500.00 CR

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.
11/898,195	09/10/2007	Tamir Shalom	28627U	9942

7590 07/16/2009

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

EXAMINER
WERNER, BRIAN P

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
07/16/2009	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: 07/16/2009 BPOWELL
03/25/2008 DEMMANUI 00000069 11898195
06 FC:1202 -200.00 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.
11/898,218	09/10/2007	Jeong-Hoon Kim	P58472	1627

7590 10/26/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
10/26/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Repln. Req: 10/26/2009 NFARMER 00145259[illegible]
DAH:024943 Name/Number:11898218
FC: 9204 $500.00 CR

Adjustment date: 10/26/2009 NFARMER
09/11/2007 SZEWDIE1 00000104 11898218
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

SMART & BIGGAR
P.O. BOX 2999, STATION D
900-55 METCALFE STREET
OTTAWA, ON K1P 5Y6
CANADA

Mail Date: 06/03/2010

Applicant	: Andrew D. Murdin	: DECISION ON REQUEST FOR
Patent Number	: 7629327	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/898,220	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

DEC 1 1 2009

OFFICE OF PETITIONS

FASKEN MARTINEAU DUMOULIN, LLP
STOCK EXCHANGE TOWER, SUITE 3700
P.O. BOX 242, 800 PLACE VICTORIA
MONTREAL QC H4Z 1E9 CA CANADA

In re Application of	:
Mbarki, et al.	: DECISION REFUSING STATUS
Application No. 11/898,225	: UNDER 37 CFR 1.47(a)
Filed: September 11, 2007	:
Atty. Dkt. No.: CU-6972 BWH	:
For: APPARATUS FOR WASTE WATER	:
TREATMENT	:

The above-identified application has been directed to the Office of Petitions for consideration of the "SUBMITTAL OF COMBINED DECLARATION & POWER OF A TTORNEY & PETITION BY JOINT INVENTOR FILING ON BEHALF OF OTHER JOINT INVENTOR WHO REFUSES TO JOIN IN APPLICATION," filed January 9, 2009. This matter is being addressed pursuant to 37 CFR 1.47(a).

Petitioner requests entry of a declaration signed by less than all of the inventors named in the application. However, the above-identified application was filed September 11, 2007 with a fully executed declaration. Accordingly, the instant petition is hereby DISMISSED.

If, however, petitioner seeks to submit a supplemental declaration, petitioner is advised that when an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the non-signing inventor. See, MPEP § 409.03(a). If there are no joint inventor(s), then the party with sufficient proprietary interest must sign the supplemental declaration on behalf of the non-signing inventor. See, MPEP § 409.03(b).

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

By mail: Mail Stop Petition

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

By facsimile: (571) 273-8300

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

This application is being directed to Group Art Unit 1797 for further 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

CC: Brian W. Hameder
Ladas & Parry LLP
224 South Michigan Avenue
Chicago, Illinois 60604

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

MANELLI DENISON & SELTER PLLC
7th Floor
2000 M Street, N.W.
Washington DC 20036-3307

COPY MAILED

MAY 1 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Nguyen and Townsdin	:	DECISION REFUSING STATUS
Application No. 11/898,237	:	UNDER 37 CFR 1.47(a)
Filed: September 11, 2007	:	
Attorney Docket No. 20-600	:	
Title: AUTOMATIC EMERGENCY CALL	:	
NOTIFICATION TO PRE-DESIGNATED	:	
PERSONAL EMERGENCY CONTACTS	:	

This is in response to the petition under 37 CFR 1.47(a), filed March 26, 2008. Applicants filed a request for an extension of time for response within the fourth month. Accordingly, the petition is filed timely.

The petition is **dismissed**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a). No additional petition fee is necessary for filing a request for reconsideration.

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

Applicants lack item (2) as set forth above.

As to item (2), 37 CFR 1.47(a) and 35 U.S.C. § 116, second paragraph, requires all available joint inventors to file an application "on behalf of" themselves and on behalf of a joint inventor who "cannot be found or reached after diligent effort" or who refuses to "join in an application."

Accordingly, in addition to other requirements of law (35 U.S.C. §§ 111(a) and 115), on application deposited in the U.S. Patent and Trademark Office pursuant to 37 CFR 1.47(a), all the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP §§§ 602, 605.01, and 1414) and (2) make oath or declaration on behalf of the non-signing joint inventor as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the non-signing inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the non-signing inventor(s), unless otherwise indicated.

With the present petition, applicants submitted a Declaration and Power of Attorney. Drew Morin signed his name in the non-signing inventor's signature block on behalf of the Brandon Nguyen, the non-signing inventor. The Declaration is unacceptable because the available joint inventor, Elisabeth Townsdin, must make the declaration on her own behalf and on behalf of the non-signing joint inventor. Mr. Morin is not a joint inventor in the present application.

Additionally, the declaration is not acceptable because the alteration to the residence of Ms. Townsdin, a signing inventor, is not initialed and/or dated.[1] Section 605.04(a) of the Manual of Patent Examining Procedure states that it is "improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant." Furthermore, 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." *Id.*

Therefore, applicants may correct the above noted deficiencies or inaccuracies in the Declaration by filing a renewed petition under 37 CFR 1.47(a), accompanied by a supplemental oath or declaration,[2] setting forth the correct residence information, and properly executed by Ms. Townsdin on behalf of herself and on behalf of the non-signing inventor. Ms. Townsdin should sign her name in her own signature block and leave the signature block of the non-signing inventor blank. No additional petition fee is required.

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Christina Tartera Donnell, Senior Petitions Attorney**:

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

---

[1] "Any interlineation, erasure, cancellation or other alteration of the application papers...should be dated and initialed or signed by the applicant on the same sheet of paper." 37 CFR 1.52(c)(1).

[2] "The supplemental oath or declaration must (1) identify the entire inventive entity, and (2) be signed . . . **by only those inventor(s) or applicants (37 CFR 1.42, 1.43, or 1.47) to whom the corrections relates.** See 37 CFR 1.67(a)." MPEP 603 (emphasis added).

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

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

Correspondence may also be submitted via the USPTO's electronic filing system.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

MANELLI DENISON & SELTER PLLC
7th Floor
2000 M Street, N.W.
Washington DC 20036-3307

COPY MAILED

AUG 15 2008

In re Application of	:	
Nguyen and Townsdin	:	DECISION ACCORDING STATUS
Application No. 11/898,237	:	UNDER 37 CFR 1.47(a)
Filed: September 11, 2007	:	
Attorney Docket No. 20-600	:	
Title: AUTOMATIC EMERGENCY CALL	:	
NOTIFICATION TO PRE-DESIGNATED	:	
PERSONAL EMERGENCY CONTACTS	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 14, 2008.

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

Petitioners showed that the non-signing inventor refused to join in the filing of the above-identified application after having been presented with a copy of the application papers.

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

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

Inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Brandon Nguyen
15601 140th Place SE
Renton, WA 98058

COPY MAILED

AUG 15 2008

In re Application of	:	
Nguyen and Townsdin	:	
Application No. 11/898,237	:	LETTER
Filed: September 11, 2007	:	
Attorney Docket No. 20-600	:	
Title: AUTOMATIC EMERGENCY CALL	:	
NOTIFICATION TO PRE-DESIGNATED	:	
PERSONAL EMERGENCY CONTACTS	:	

Dear Mr. Nguyen:

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

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

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

MANELLI DENISON & SELTER PLLC
7th Floor, 2000 M Street, N.W.
Washington DC 20036-3307

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.
11/898,242	09/11/2007	Shi-Ok Kwon	301/073	1803

7590 07/23/2010

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER
LEE JR, KENNETH B

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
07/23/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 07/23/2010 NFARMER
09/12/2007 MAH-2D1 00000020 11898242
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

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Hideo Tanabe	: DECISION ON REQUEST FOR
Patent Number	: 7570337	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/898,278	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **139** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STANLEY TOMLINSON
C/O PEARCE & DURICK
314 EAST THAYER AVENUE
BISMARCK, ND 58502

COPY MAILED

JAN 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Stanley Tomlinson	:	
Application No. 11/898,396	:	DECISION ON PETITION
Filed: September 12, 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 September 30, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3727 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STANLEY TOMLINSON
C.O PEARCE & DURICK
314 EAST THAYER AVENUE
BISMARCK, ND 58502

MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Stanley Tomlinson	:	
Application No. 11/898,396	:	DECISION ON PETITION
Filed: September 12, 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 August 17, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED AS MOOT**.

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 petitioner has already been given special status in a petition decision granted January 5, 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 hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN VA 22102-3833

COPY MAILED

MAR 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Kuratomi et al.	:	DECISION ON PETITION
Application No. 11/898,456	:	
Filed: September 12, 2007	:	
Attorney Docket No. XA-10865	:	

This is in response to the "PETITION RESPONSIVE TO NOTICE OF OMITTED ITEMS(S)" filed November 5, 2007. Petitioners, in effect, request that the Office accord the above-identified application a filing date of September 12, 2007, with pages 36 and 38 of the specification considered part of the original application disclosure.

Application papers in the above-identified application were deposited on September 12, 2007. However, on October 5, 2007, the Office of Patent Application Processing (formerly known as the Office of Initial Patent Examination) mailed applicants a NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application papers had been accorded a filing date; however, pages 36 and 38 of the specification appeared to have been omitted from the application.

In response, applicants timely filed the instant petition (and petition fee). Applicants maintain that pages 36 and 38 were not omitted. In support thereof, applicants submit *inter alia* a copy of the stamped postcard indicating receipt in the Office of "Specification (39 pages)." Applicants also supply copies of pages 36 and 38 of the specification.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioners' postcard reveals that: 1) it was date stamped as received in the USPTO on September 12, 2007, 2) it specifically identifies the items being filed, including "Specification (39 pages)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including 39 pages of specification, were filed on September 12, 2007.

The pages of specification already considered received in the Office on September 12, 2007, were reviewed along with pages 36 and 38 submitted on petition. These papers together constitute the items described on the receipt as "Specification (39 pages)." It is concluded that petitioner has shown that pages 36 and 38 of the specification were among the items present in the application on the date of deposit and should be included in the original application disclosure.

It is also accepted that the copies of the specification pages submitted on petition are copies as the specification pages were originally filed on September 12, 2007. Petitioner must notify the Office if the pages submitted on petition are not copies of the specification pages as originally filed.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is subject to refund. Accordingly, although authorized, no petition fee is being charged to petitioner's Deposit Account.

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

- further processing with a filing date of September 12, 2007 using the application papers received in the Office and presently accorded that date; and pages 36 and 38 of the specification re-supplied on petition filed November 5, 2007.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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 Mar-09

SHLESINGER, ARKWRIGHT & GARVEY LLP
SUITE 600
1420 KING STREET
ALEXANDRIA VA 22314

COPY MAILED

MAR 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Thomas M. Espinosa	:	DECISION ON PETITION TO
Application Number: 11/898479	:	WITHDRAW HOLDING OF
Filing Date: 09/12/2007	:	ABANDONMENT
Attorney Docket Number: 7553	:	
	:	

This is a decision on the petition filed on February 3, 2009, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on February 2, 2009, stating that the application was abandoned for failure to timely file a reply to the non-final Office action mailed on July 24, 2008.

Petitioner asserts that a timely reply to the non-final Office action mailed on July 24, 2008, was in fact filed on January 26, 2009.

A review of the record reveals that on January 26, 2009, a reply was filed, including an amendment and authorization to charge a three (3) month extension of time fee to counsel's deposit account. The fee has been received.

As January 24, 2009, fell on a Saturday, the reply filed on Monday, January 26, 2009 is considered as timely filed. 37 CFR 1.7(a).

As such, the showing of record is that a timely and proper reply to the non-final Office mailed on July 24, 2008, has been filed. Therefore, there is no abandonment in fact.

The holding of abandonment is **withdrawn**. The Notice of Abandonment is **vacated**.

The Office apologizes for any inconvenience to petitioner.

The application is referred to Technology Center Art Unit 3635 for further processing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

G. Link Co. LTD
3550 Bell Road
Minooka IL 60447

COPY MAILED

DEC 15 2009

OFFICE OF PETITIONS

In re Application of :
Sung-Wen Chen et al. :
Application No. 11/898,489 : ON PETITION
Filed: September 12, 2007 :
Attorney Docket No. 3097.FDI :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 28, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 27, 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. The application became abandoned on November 28, 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).

Petitioner has indicated that a reply in the form of unpaid filing fees and surcharge to the Office action of September 27, 2007, is included with the instant petition. However, the Office has not received any such reply or fees. Therefore, petitioner must submit the required reply (filing fees and surcharge) before the application can be revived.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned 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
www.uspto.gov

G. Link Co. LTD
3550 Bell Road
Minooka IL 60447

MAILED

FEB 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Sung-Wen Chen et al.	:	
Application No. 11/898,489	:	ON PETITION
Filed: September 12, 2007	:	
Attorney Docket No. 3097.FDI	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 27, 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. The application became abandoned on November 28, 2007

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees, (2) the petition fee of $810 (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.

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.
11/898,492	09/12/2007	Sung-jung Cho	1907.1210	2428

7590 09/12/2008
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
VU, NGOC YEN T

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
09/12/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

Adjustment date: 09/15/2008 KKING1
09/13/2007 CNGUYEN2 00000015 11898492
02 FC:1111 -500.00 OP

Repln. Ref: 09/15/2008 KKING1 0015271500
DA#:193935 Name/Number:11898492
FC: 9204 $500.00 CR

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

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

MAILED

APR 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Stefan HERMANN, et *al.*	:	
Application No. 11/898,504	:	DECISION GRANTING PETITION
Filed: September 12, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **36235-247677**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 14, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 5, 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 1786 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED
JUN 23 2008
OFFICE OF PETITIONS

PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

In re Application of

DILLER, Kay
Application No. 11/898,526
Filed: September 13, 2007
Attorney Docket No. **025457.0101PTUS**

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**.

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, client is taking over prosecution, does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **KAY DILLER**
1519 GREENLEE WAY
LAFAYETTE CO 80026

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

PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

COPY MAILED
AUG 1 8 2008

In re Application of	:	
DILLER, Kay	:	
Application No. 11/898,526	:	DECISION ON PETITION
Filed: September 13, 2007	:	TO WITHDRAW
Attorney Docket No. 025457.0101PTUS	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 30, 2008.

The request is 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 Michele Frank on behalf of all attorneys of record who are associated with customer No. 32042. All attorneys/agents associated with the Customer Number 32042 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Kay Diller 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: **KAY DILLER**
1519 GREENLEE WAY
LAFAYETTE CO 80026

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

In re Application of	:	
Arthur Deboeck, et al.	:	DECISION ON PETITION
Application No. 11/898,534	:	TO WITHDRAW
Filed: September 13, 2007	:	FROM RECORD
Attorney Docket No. 31121-23	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed January 14, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

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

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

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **GALEPHAR PHARMACEUTICAL RESEARCH INC.**
c/o William E. Beaumont
627 South Asaph Street
Alexandria, VA 22314

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.
11/898,588	09/13/2007	Shuichi Hanai	133564	3016

7590 10/07/2008
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
VO, HIEU T

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
10/07/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
10/07/2008 NFARMER 0000164680

CHECK Refund Total: $1100.00

Adjustment date: 10/07/2008 NFARMER
09/14/2007 CNGUYEN2 00000008 11898588
02 FC:1111 -500.00 OP
04 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
www.uspto.gov

MR. JOSEPH E. SCHOENHOLTZ JR
LAW OFFICE OF JOSEPH E. SCHOENHOLTZ JR.
254 COLLEGE AVENUE, F
PALO ALTO, CA 94306

MAILED

SEP 22 2009

OFFICE OF PETITIONS

In re Application of	:	
J. B. Chyi, et al.	:	
Application No. 11/898,612	:	DECISION ON PETITION
Filed: September 13, 2007	:	TO WITHDRAW
Attorney Docket No. 5528-0106PUS1	:	FROM RECORD
	:	

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 5, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Law Office of Joseph E. Schoenholtz, Jr. has been revoked by the assignee of the patent application on August 24, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to 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: CHIPMOS TECHNOLOGIES, INC
NO. 1 R&D RD. 1,
SCIENCE-BASED INDUSTRIAL PARK
HSINCHU, TAIWAN ROC

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MR. JOSEPH E. SCHOENHOLTZ JR
LAW OFFICE OF JOSEPH E. SCHOENHOLTZ JR.
254 COLLEGE AVENUE, F
PALO ALTO, CA 94306

MAILED

SEP 22 2009

OFFICE OF PETITIONS

In re Application of	:	
J. B. Chyi	:	
Application No. 11/898,613	:	DECISION ON PETITION
Filed: September 13, 2007	:	TO WITHDRAW
Attorney Docket No. 5528-0107PUS1	:	FROM RECORD
	:	

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 5, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Law Office of Joseph E. Schoenholtz, Jr. has been revoked by the assignee of the patent application on August 17, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: CHIPMOS TECHNOLOGIES, INC
NO. 1 R&D RD. 1,
SCIENCE-BASED INDUSTRIAL PARK
HSINCHU, TAIWAN ROC

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
11/898,613	09/13/2007	J. B. Chyi	5528-0107PUS1

CONFIRMATION NO. 3224

POWER OF ATTORNEY NOTICE

53538
Mr. Joseph E. Schoenholtz Jr
Law Office of Joseph E. Schoenholtz Jr.
254 College Avenue, F
Palo Alto, CA 94306

OC000000037891102

Date Mailed: 09/21/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/17/2009.

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

/amwise/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/898,649	09/13/2007	Yong Lee	P58396	3020

7590 11/18/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
11/18/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref: 11/19/2009 NFARMER 0015158100
DAN:024943 Name/Number:11898649
FC: 9204 $500.00 CR

Adjustment date: 11/19/2009 NFARMER
09/14/2007 CNGUYEN2 00000010 11898649
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

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 06/17/2010

Applicant	: Miao-Ju Chueh	: DECISION ON REQUEST FOR
Patent Number	: 7631540	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/898,677	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **3** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

McDERMOTT, WILL & EMEY LLP
600 Thirteenth Street, N.W.
Washington, DC 20005-3096

MAR 26 2008

In re Application of
Ushio SANGAWA, et al.
Application No.: 11/898,698
Filed: 14 September 2007
Attorney Docket No.: 074782-0030

For: PHOTONIC CRYSTAL DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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 7 March 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
   ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

   Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;

6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

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

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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

McDERMOTT WILL & EMERY LLP
600 13th Street, N. W.
Washington, DC 2005-3096

JAN - 2 2008

In re Application of	:	DECISION ON REQUEST TO
Akira TAOMOTO et al	:	PARTICIPATE IN PATENT
Application No. 11/898703	:	PROSECUTION HIGHWAY
Filed: September 14, 2007	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 063979-0089	:	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) and the preliminary amendment, filed December 10, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

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

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

Kathryn Gorgos
TQAS TC 1700

PTO/SB/20 (09-07)
Approved for use through 12/31/2008. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE (1) JPO OR (2) UKIPO, AND THE USPTO

Application No.:	11/898,703	First Named Inventor:	TAOMOTO, Akira
Filing Date:	9/14/2007	Attorney Docket No.:	063979-0089
Title of the Invention:	Methods for Producing Manganese Oxide Nanoparticle Dispersed Material and Electrode		

THIS REQUEST FOR PARTICIPATION IN THE PPH PILOT PROGRAM MUST BE FAXED TO:
THE OFFICE OF THE COMMISSIONER FOR PATENTS AT 571-273-0125 DIRECTED TO THE ATTENTION OF MAGDALEN GREENLIEF

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.

The above-identified application validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or UKIPO application(s).

The ☑ JPO ☐ UKIPO application number(s) is/are: The present U.S. application is a Continuation of PCT/JP2006/324972, which corresponds to patent JP application 2007-522329. PCT/JP2006/324972 claims domestic priority to JP 2005-367694

The filing date of the ☑ JPO ☐ UKIPO application(s) is/are: JP 2007-522329 12/14/2006
JP 2005-367694 12/21/2005
PCT/JP2006/324972 12/14/2006

I. List of Required Documents:

a. **A copy of all JPO office actions (excluding "Decision to Grant a Patent"*) in the above-identified JPO application(s), or a copy of all UKIPO office actions in the above-identified UKIPO application(s).**

☐ Is attached.

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

b. **A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s), or a copy of all claims which were determined to be patentable by the UKIPO in the above-identified UKIPO application(s).**

☑ Is attached.

☐ Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System.

c. **English translations (where applicable) of the documents in a. and b. above along with a statement that the English translations are accurate are attached.**

Information disclosure statement listing the documents cited in the JPO office actions or UKIPO office actions is attached.

Copies of all documents are attached except for U.S. patents or U.S. patent application publications.

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). 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 2 hours 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. **FAX COMPLETED FORMS TO: Office of the Commissioner for Patents at 571-273-0125, Attention: Magdalen Greenlief.**

PTO/SB/20 (09-07)
Approved for use through 12/31/2008. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE (1) JPO OR (2) UKIPO, AND THE USPTO

(continued)

Application No.:	11/898,703	First Named Inventor:	TAOMOTO, Akira

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in JP/UKIPO Application	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same
4	4	Same
5	5	Same

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO or UKIPO application.

IV. Payment of Fees:

The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) to ☑ Deposit Account No. 500417.

☐ Credit Card. Credit Card Payment Form (PTO-2038) is attached.

Signature	Date 12/7/07
Name (Print/Typed) Michael E. Fogarty	Registration Number 36,139

Docket No.: 063979-0089 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 53080
Akira TAOMOTO, et al.	:	Confirmation Number: 3876
Application No.: 11/898,703	:	Group Art Unit: 1742
Filed: September 14, 2007	:	Examiner: Not Yet Assigned

For: METHOD FOR PRODUCING MANGANESE OXIDE NANOPARTICLE DISPERSED MATERIAL AND ELECTRODE

REQUIRED STATEMENT

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

Sir:

In accordance with Subsection II.B. of the June 13, 2006 Notice concerning the Patent Prosecution Highway, Applicants state that the enclosed translation of the claims of the corresponding Japanese application is accurate.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Michael E. Fogarty
Registration No. 36,139

Please recognize our Customer No. 53080 as our correspondence address.

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:ASA
Facsimile: 202.756.8087
Date: December 6, 2007

VERIFICATION OF TRANSLATION

Re: Claims of JPO application No. 2007-522329

I, Tomoko MAEDA, of Kitahama TNK Building,
7-1, Dosho-machi 1-chome, Chuo-ku,
Osaka 541-0045, Japan

hereby declare that I am the translator of the attached English translation of the claims of JPO application No. 2007-522329, which were determined to be patentable by the JPO, and certify that the following is true translation to the best of my knowledge and belief.

Signature of translator Tomoko Maeda

Tomoko MAEDA

Dated this 8th day of November, 2007

CLAIMS

1. A method for producing a manganese oxide nanoparticle dispersed material having steps of:

dissolving manganese nitrate in a polyamide acid solution;

forming a coating on the surface of the substrate using the polyamide acid solution containing manganese nitrate dissolved therein; and

carbonizing the polyamide acid and depositing manganese oxide nanoparticles by subjecting the coating to a heat treatment at a temperature not less than 600°C but not more than 1200°C.

2. A method for producing a manganese oxide nanoparticle dispersed material having steps of:

dissolving manganese nitrate in a polyamide acid solution;

forming a coating on the surface of the substrate using the polyamide acid solution containing manganese nitrate dissolved therein, and then imidizing the polyamide acid contained in the coating so as to form the coating into a manganese-containing polyimide coating; and

subjecting the manganese-containing polyimide coating to a heat treatment at a temperature of not less than 600°C but not more than 1200°C to carbonize the polyimide and deposit manganese oxide nanoparticles.

3. The production method according to claim 1, wherein the polyamide acid solution contains dimethylacetamide as the solvent.

4. A method for producing an electrode having manganese oxide nanoparticles dispersed thereon,

the method comprising steps of:

dissolving manganese nitrate in a polyamide acid solution;

forming a coating on the surface of a porous electrode substrate using the polyamide acid solution containing manganese nitrate dissolved therein; and

carbonizing the polyamide acid and depositing manganese oxide nanoparticles by subjecting the coating to a heat treatment at a temperature not less than 600°C but not more than 1200°C.

5. The production method according to claim 4, wherein the porous electrode substrate is at least one member selected from the group consisting of carbon papers, carbon nonwoven fabrics and carbon felts.

請求の範囲

[1] ポリアミド酸溶液に硝酸マンガンを溶解する工程1と、

前記硝酸マンガンを溶解した前記ポリアミド酸溶液からなる被膜を基材表面に形成する工程2と、

前記被膜を600℃以上1200℃以下の温度で熱処理することにより、前記ポリアミド酸を炭素化するとともにマンガン酸化物ナノ粒子を析出させる工程3とを有する、

マンガン酸化物ナノ粒子分散材料の製造方法。

[2] ポリアミド酸溶液に硝酸マンガンを溶解する工程1と、

前記硝酸マンガンを溶解した前記ポリアミド酸溶液からなる被膜を基材表面に形成後、前記被膜に含まれる前記ポリアミド酸をイミド化することにより、前記被膜をマンガン含有ポリイミド被膜とする工程2と、

前記マンガン含有ポリイミド被膜を600℃以上1200℃以下の温度で熱処理することにより、前記ポリイミドを炭素化するとともにマンガン酸化物ナノ粒子を析出させる工程3とを有する、

マンガン酸化物ナノ粒子分散材料の製造方法。

[3] 前記ポリアミド酸溶液は、溶媒としてジメチルアセトアミドを含有する、請求項1に記載の製造方法。

[4] マンガン酸化物ナノ粒子が分散された電極の製造方法であって、

ポリアミド酸溶液に硝酸マンガンを溶解する工程1と、

前記硝酸マンガンを溶解した前記ポリアミド酸溶液からなる被膜を多孔性電極基材の表面に形成する工程2と、

前記被膜を600℃以上1200℃以下の温度で熱処理することにより、前記ポリアミド酸を炭素化するとともにマンガン酸化物ナノ粒子を析出させる工程3とを有する、

製造方法。

[5] 前記多孔性電極基材は、カーボンペーパー、カーボン不織布及びカーボンフェルトからなる群から選択される少なくとも1種である、請求項4に記載の製造方法。

Disclaimer:
This English translation is produced by machine translation and may contain errors. The JPO, the INPIT, and those who drafted this document in the original language are not responsible for the result of the translation.

Notes:
1. Untranslatable words are replaced with asterisks (****).
2. Texts in the figures are not translated and shown as it is.

Translated: 23:51:26 JST 12/13/2007
Dictionary: Last updated 11/16/2007 / Priority:

Decision to Grant a Patent

Application number: Application for patent 2007-522329
Date of Drafting: Heisei 19(2007) August 31
Patent examiner: KUNISHIMA, Akihiro 8932 4K00
Title of invention: Manganic acid ghost nano particle distribution material and the manufacture method of an electrode
The number of claims: 5
Applicant: MATSUSHITA ELECTRIC INDUSTRIAL CO. LTD.
Representative: SAEGUSA, Eiji (and 2 others)

About this application, since no Reason for refusal is found, a Decision to Grant a Patent is carried out.

Director General(p.p.) Director(p.p.) Examiner Assistant examiner Manager for Determination of Classification KIMURA, Koichi KUNISHIMA, Akihiro KAWANO, Kazuo 8315 8932 9833

1. Distinction of Patent: Usually
2. Reference documents: **
3. Application of Patent Law, Section 30: Nothing
4. Change of Title of Invention: Nothing
5. International Patent Classification (IPC)

H01M 4/88 K H01M 4/96 Z H01M 12/06 F B01J 20/20 B, B01J 20/34 Z, B01J 37/08 , C01G 45/02 , B01J 37/02 301M

6. Deposition of Microorganism

7. Display of Purport that Retroactivity of Filing Date is not Accepted

Decision to Grant a Patent(Memorandum)

Application number: Application for patent 2007-522329

1. Technical Fields to Be Searched (IPC, DB Name)
H01M 4/88 B01J 20/20 B01J 20/34 B01J 37/02 B01J 37/08 C01G 45/02 H01M 4/96 H01M 12/06

2. Reference patent documents
International-Publication the 2005/066993 (WO, A1) International-Publication the 2004/112174 (WO, A1) JP,2005-218975,A (JP, A) JP,2005-019332,A (JP, A) JP,2003-128409,A (JP, A) JP,2003-053167,A (JP, A) JP,2002-093425,A (JP, A) JP,08-184701,A (JP, A) JP,02-109217,A (JP, A) JP,61-259459,A (JP, A) =

3. Reference books and magazines
The foaming structure of the graphite sheet produced by heat treatment besides TAOMOTO, Akira, 2004 (Heisei 16(2004)) spring Collection of the 51st applied-physics relation union lecture meeting lecture drafts The 2nd separate volume, Japan, the Japan Society of Applied Physics, 2004 March 28, 647

[Translation done.]

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

LEE & MORSE, PC
3141 FAIRVIEW PARK DRIVE, SUITE 500
FALLS CHURCH, VA 22042

MAILED

JUL 06 2009

OFFICE OF PETITIONS

In re Application of
Tae-Wan KIM, et al.
Application No. 11/898,762
Filed: September 14, 2007
Attorney Docket No. **2557SI-001257/US/DVA**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 13, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **LEE & MORSE, PC** has been revoked by the assignee of the patent application on May 13, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: **HARNESS, DICKEY & PIERCE, P.L.C.**
P.O. BOX 8910
RESTON VA 20195

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

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Homare Okamoto	: DECISION ON REQUEST FOR
Patent Number	: 7643281	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/898,774	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **180** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

THE HONG KONG POLYTECHNIC UNIVERSITY
1800 DIAGONAL ROAD
SUITE 600, MAILBOX #119
ALEXANDRIA, VA 22314

COPY MAILED

OCT 0 2 2008

OFFICE OF PETITIONS

In re Application of
Thomas Kwok Shing WONG, et al
Application No. 11/898,811
Filed: September 17, 2007
Attorney Docket No. IP-416A

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **APPROVED**.

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

The request was signed by Robert M. DeWitty the sole attorney of record.

Robert M. DeWitty has been withdrawn.

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: THOMAS KOWK SHING WONG
THE HONG KONG POLYTECHNIC UNIVERSITY
HUNG HOM, KOWLOON, HONG KONG
HONG KONG SAR, CHINA

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

THE HONG KONG POLTECHNIC UNIVERSITY
1800 DIAGONAL ROAD, SUITE 600/MAILBOX #119
ALEXANDRIA, VA 22314

COPY MAILED
SEP 15 2008

In re Application of	:	
WONG, et al.	:	
Application No. 11/898,812	:	DECISION ON PETITION TO
Filed: September 17, 2007	:	WITHDRAW FROM RECORD
Attorney Docket No. IP-390A	:	

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

The request is **NOT APPROVED.**

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request "currently leaving employment position of which I was in-house patent attorney" does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

The Hong Kong Polytechnic University
Suite 600, Mailbox #119
1800 Diagonal Road
Alexandria, VA 22314

COPY MAILED

SEP 24 2008

OFFICE OF PETITIONS

In re Application of	:	
Wei Jin et al.	:	
Application No. 11/898,813	:	DECISION ON PETITION
Filed: September 17, 2007	:	TO WITHDRAW
Attorney Docket No. IP-316B	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed August 21, 2008.

The request is **APPROVED**.

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

The request was signed by Robert M. DeWitty, sole attorney of record. Robert M. DeWitty has been withdrawn as attorney of record.

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

The correspondence address has been to that of the inventor at the address of record. The address changed 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: Wei Jin
The Hong Kong Polytechnic University
Hung Hom
Kowloon, 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
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/898,813	09/17/2007	Wei Jin	IP-316B

CONFIRMATION NO. 4189

POWER OF ATTORNEY NOTICE

The Hong Kong Polytechnic University
Suite 600, Mailbox #119
1800 Diagonal Road
Alexandria, VA 22314

OC000000032241851

Date Mailed: 09/24/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/21/2008.

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

/kainabinet/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Yan Bodain
2930-403 Edouard Montpetit
Montreal QC H3T 1J7 CA CANADA

MAILED

JUL 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Yan Bodain	:	
Application No. 11/898,814	:	DECISION ON PETITION
Filed: September 17, 2007	:	
	:	

This is a decision on the petition filed May 11, 2010 to revive the above identified application.

The petition is **dismissed**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,620. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given to the petition until the required fee is received.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-2991.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

COPY MAILED

FEB 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Tabata et al.	:	DECISION ON PETITION
Application No. 11/898,851	:	
Deposited: September 17,2007	:	
Atty Docket No. 11835/29	:	

This is a decision on the "Petition and Response To Notice of Incomplete Nonprovisional Application" filed November 2, 2007, requesting that the above-referenced application be accorded a filing date of September 17, 2007. This petition is properly treated under 37 CFR 1.57.

Application papers in the above-identified application were filed on September 17, 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 as prescribed by 35 USC 113.

In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.78 to a prior filed and co-pending non-provisional application (11/092,819) in which the inadvertently omitted drawing figures 1-28 are found.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains … a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under … § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

It is noted that the application as filed included a preliminary amendment, with a claim under 1.78 for the benefit of prior-filed application No. 11/092,819. It is further noted the 1.78 claim presented on filing contained an incorporation by reference statement. Thus, pursuant to 1.57, the application as filed is considered to have incorporated by reference the prior filed application as to the inadvertently omitted portion of the drawings.

The instant petition includes an identification of where the inadvertently omitted drawings may be found in the prior-filed application, along with authorization to charge the necessary petition fee.

In view of the incorporation by reference of the prior application, the drawings supplied on November 2, 2007, would not constitute new matter if it were a part of the original disclosure of the prior application. Of course, the examiner is expected to compare the drawings supplied on November 2, 2007, to the disclosure of provisional application No. 11/092,819 in order to verify that it is an accurate copy of the prior specification and that it contains no new matter.

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

The application is being forwarded to the Office of Patent Application Processing for **according of a filing date of September 17, 2007**, including the copy of drawings from nonprovisional application 11/092,819 supplied on November 2, 2007. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Charlema R. Grant at 571.272.3215.

Charles Pearson
Director
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

MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Dusic KWAK	:	
Application No. 11/898,878	:	DECISION ON PETITION
Filed: September 17, 2007	:	TO WITHDRAW
Attorney Docket No. KWAK-003-CPA	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2010.

The request is **APPROVED**.

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

The request was signed by Christopher Maier on behalf of the attorneys of record associated with Customer No. 62008.

The attorneys of record associated with Customer No. 62008 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

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

/dcg/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: DUSIC KWAK
4304 EVERGREEN LANE, #201
ANNANDALE VA 22003

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
11/898,878	09/17/2007	Dusic Kwak	KWAK-003-CPA

CONFIRMATION NO. 4246

POWER OF ATTORNEY NOTICE

62008
MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA, VA 22314

OC000000042468301

Date Mailed: 07/08/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/18/2010.

- 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.

/dcgoodwyn/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

COPY MAILED

DEC 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Jacob R. Baker	:	
Application No. 11/898890	:	
Filing or 371(c) Date: 09/17/2007	:	
Attorney Docket Number:	:	DECISION
M4065.0449/P449-E	:	ON PETITION

This is a decision on the "Response to Notice of Incomplete Nonprovisional Application, filed October 19, 2007, requesting the above-identified application be accorded a filing date of July 12, 2007, including 11 drawing figures.

The petition is granted.

The application was filed on September 17, 2007. On September 26, 2007, the Office of Patent Examination Processing mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing because the application had been deposited without drawings.

Applicant files the present petition and avers that eleven sheets of drawings were filed with the application on September 17, 2007. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of, *inter alia,* eleven (11) pages of drawings, Figures 1-11, by this Office on September 17, 2007.

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

Accordingly, the petition is granted.

In view of the above, the Notice was mailed in error and is hereby withdrawn.

No petition fee has been charged and none is due.

The copy of eleven pages of drawings, Figures 1-11, filed with the petition will be used for examination purposes.

This application is being forwarded to the Office of Patent Application Processing for further processing, with the filing date of September 17, 2007, and an indication that eleven sheets of drawings were present on September 17, 2007, using the eleven sheets of drawings, Figures 1-11, filed with the present petition on October 19, 2007.

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

DEC 18 2007

OFFICE OF PETITIONS

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

In re Application of :
Okuno et al :
Application No. 11/898,954 : ON PETITION
Filed: September 18, 2007 :
Attorney Dkt No. 070456-0213 :
Title: Battery Electrode Substrate, :
and Electrode Employing The Same :
:

This is a decision on the "Petition and Response to Notice to File Corrected Application Papers" filed November 28, 2007, requesting in effect, the Notice of Omitted Parts contained in the "Notice to File Corrected Application Papers" ("Notice") be withdrawn, and the above-identified application be accorded a filing date of September 18, 2007 including page 24 of the specification.

The application was filed on September 18, 2007. However, on September 28, 2007, the Office of Patent Application Processing (OPAP) mailed a Notice stating that the application had been accorded a filing date of September 18, 2007 but page 24 of the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends 25 pages of specification were filed including page 24 on September 18, 2007. In support, the petition is accompanied by a copy of applicants' postcard which lists " 22 pages of specification, 2 pages of claims and 1 page of abstract". The petition is further accompanied by a copy of page 24 of the specification.

Applicants' postcard receipt is prima facie evidence that at least a total of 25 pages of specification including page 24 were received on September 18, 2007, but page 24 is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that page 24 of the specification was received on September 18, 2007, as shown in counsel's file, and later misplaced in the office.

The petition is Granted. No petition fee is due and none has been charged.

The application will be returned to the Office of Patent Application Processing for further processing with a **filing date of September 18, 2007**, using the papers received on that date and the copy of page 24 of the specification supplied on November 28, 2007.

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

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

JAN 2 8 2009

OFFICE OF PETITIONS

In re Application of
Kook Min Han, et. al.
Application No. 11/898,977
Filed: September 18, 2007
Attorney Docket No. 6661-000086/US

DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3)
AND 37 CFR 1.55(c)

This is a decision on the petitions under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), filed December 4, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional applications, and under 35 U.S.C. § 119(a)-(d) for the benefit of priority to a prior-filed foreign application, as set forth in the concurrently filed amendment.

As to the benefit claim under 37 CFR 1.78(a)(3):

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 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.

All requirements being met, the petition to accept an unintentionally delayed claim for benefit of priority to the prior-filed nonprovisional applications under 35 U.S.C. § 120 is **GRANTED.**

As to the benefit claim under 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.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is **GRANTED**.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c) 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) and 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 applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being to referred to Technology Center Art Unit 2895 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 35 U.S.C. § 119(a)-(d) to the prior-filed applications.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/898,977	09/18/2007	2895	1000	6661-000086/US	20	1

CONFIRMATION NO. 5281

CORRECTED FILING RECEIPT

30593
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

OC000000034226743

Date Mailed: 01/27/2009

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)

Kook Min Han, Yongin-si, KOREA, REPUBLIC OF;
Kyu Yeol In, Yongin-si, KOREA, REPUBLIC OF;
Jong Jin Park, Yongin-si, KOREA, REPUBLIC OF;
Hyun Sik Moon, Yongin-si, KOREA, REPUBLIC OF;
Sang Yoon Lee, Yongin-si, KOREA, REPUBLIC OF;

Assignment For Published Patent Application

Samsung Electronics Co., Ltd.

Power of Attorney: The patent practitioners associated with Customer Number 30593

Domestic Priority data as claimed by applicant

This application is a CIP of 11/798,023 05/09/2007
which is a DIV of 10/786,592 02/26/2004 PAT 7,229,747

Foreign Applications

REPUBLIC OF KOREA 10-2003-0011898 02/26/2003

If Required, Foreign Filing License Granted: 01/26/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/898,977**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Organic thin film transistor having surface-modified carbon nanotubes

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).

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.
11/899,032	09/04/2007	Akira Kataoka	68956(71719)	6845

EXAMINER

7590 07/10/2009
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
07/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 07/13/2009 NFARMER
09/05/2007 ALE333 00000053 041105 11899032
02 FC:1111 500.00 CR

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

MR. GENE SCOTT
PATENT LAW & VENTURE GROUP
2424 BRISTON STREET
SUITE 300
NEWPORT BEACH, CA 92660

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Robert P. Colelli, et al.	:	
Application No. 11/899,040	:	DECISION ON PETITION
Filed: September 1, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. COLELL.R-01US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 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 declaration statement signed by applicant Keith Cleland. 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 back to the Office of Patent Application Processing for processing. This application will be accorded "special" status when pre-examination processing is done.

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

MAILED

MAY 24 2010

OFFICE OF PETITIONS

RUTH EURE
4795 EDISON AVENUE
BOULDER, CO 80301

In re Application of	:	
Russel S. Diehl	:	
Application No. 11/899,052	:	DECISION ON PETITION
Filed: September 4, 2007	:	TO WITHDRAW
Attorney Docket No. Diehl-2	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

The request was signed by Ruth Eure 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 Russel S. Diehl at the address indicated below.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **RUSSEL S. DIEHL**
5664 NORTH CRESCENT STREET
SAN BERNARDINO, CA 92407

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
11/899,052	09/04/2007	Russel S. Diehl	Diehl-2

CONFIRMATION NO. 6807

POWER OF ATTORNEY NOTICE

52565
RUTH EURE
4795 EDISON AVENUE
BOULDER, CO 80301

OC000000041751640

Date Mailed: 05/24/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/24/2010.

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

/tsjohnson/

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

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

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

COPY MAILED

JUL 3 1 2008

In re Application of	:	
Stoelinga	:	DECISION REFUSING STATUS
Application No. 11/899,119	:	UNDER 37 CFR 1.47(b)
Filed: September 4, 2007	:	
Attorney Docket No. 0470-072694	:	

This is in response to the "Petition Under 37 CFR 1.47(b), filed April 21, 2008.

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 items (1), (2), and (5) set forth above.

As to item (1), applicant has failed to establish that the inventor has refused to sign the declaration.

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). The petition does not establish that Mr. Stoelinga received the application and a declaration for his execution.

Mr. Stoelinga must have the complete application in his possession in order to make an informed decision as to whether he joins in its filing. When petitioner can show that Mr. Stoelinga was mailed or received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration within a reasonable amount of time, petitioner will have satisfied this requirement.

Petitioner is informed that e-mailing is generally not accepted as a means to communicate with non-signing inventors. This is because the Office cannot know definitely if the message was received; people are not as careful in deleting e-mails as they are in throwing out mail as shown by bulk folder deletions and the fact that some people might not check e-mails frequently; the Office does not know if the recipient has the program to open the specific attachment; and PTO guidelines regarding accepting e-mail reflects the fact that the Office does not have the same confidence in e-mail as it does in USPS service.

The Office typically requires documentary evidence of successful e-mailing in the form of a response e-mail from the non-signing inventor in which the inventor acknowledges receipt of the e-mail and his ability to read the attachments. Sending an e-mail alone is not sufficient.

Petitioner is encouraged to utilize mail service when sending Mr. Stoelinga a copy of the application and another copy of the declaration and assignment for his execution.

As to item (2), a signed declaration in compliance with 37 CFR 1.63 and 1.64 must be made by the 37 CFR 1.47(b) applicant. Applicant has not submitted an executed declaration. The declaration should include identifying information for the application and complete information for the non-signing inventor. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary or Treasurer) may sign the oath or declaration. Where an oath or declaration is being signed on behalf of an assignee, note MPEP Section 324, which, however, presupposes that an executed assignment by the inventor has been recorded, or submitted for recordation.

As to item (5), Rule 47 applicant has failed to show or provide proof that Actiforce Int'l BV has sufficient proprietary interest in the subject matter to justify the filing of the application (see MPEP 409.03(f)). Acceptable proof would include a copy of the employment agreement between the non-signing inventor and the Rule 47(b) applicant (company), a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 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 47(b) applicant.

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) 272-3230.

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

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

COPY MAILED

NOV 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Stoelinga	:	DECISION NOTING JOINDER OF
Application No. 11/899,119	:	PREVIOUSLY NON-SIGNING INVENTOR
Filed: September 4, 2007	:	& DISMISSING PETITION UNDER
Attorney Docket No. 0470-072694	:	37 CFR 1.47(b) AS MOOT

Papers filed on October 29, 2008 in reply to "Decision Refusing Status Under 37 CFR 1.47(b)" mailed on July 31, 2008, included a declaration signed by the previously non-signing inventor, Dirk Stoelinga, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(b) is moot; this application does not have any rule 1.47(b) 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(b).

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WALTER T KIM
2030 MAIN STREET, SUITE 1300
IRVINE CA 92614

MAILED

JUN 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Byung Il Ham	:	DECISION ON PETITION
Application No. 11/899,129	:	TO WITHDRAW
Filed: September 4, 2007	:	FROM RECORD
Attorney Docket No. HAM.P008	:	

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 8, 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 request was signed by Walter T. Kim on behalf of himself as attorney of record.

Mr. Kim has been withdrawn as power of attorney for the above-identified application. Applicant is reminded that there is no attorney of record at this time.

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

Currently this application has been docketed and is awaiting examination.

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

cc: Byung Il Ham
8 Calle Viento
Rancho Pales Verdes, CA 90275

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

MALLOY & MALLOY, P.A.
2800 S.W. THIRD AVENUE
HISTORIC CORAL WAY
MIAMI, FL 33129

COPY MAILED

MAY 29 2009

OFFICE OF PETITIONS

In re Application of
Frauke Hauk et al
Application No. 11/899,131
Filed: September 4, 2007
Attorney Docket No. 1.565.07

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed May 7, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on May 26, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.
The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded.

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

This application is being referred to Technology Center AU 3764 for further processing.

Irvin Dingle
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KEATY PROFESSIONAL LAW CORPORATION
THOMAS S. KEATY
2 CANAL STREET
2140 WORLD TRADE CENTER
NEW ORLEANS, LA 70130

COPY MAILED

MAR 3 1 2008

In re Application of	:	
CARR, Michael Ray	:	
Application No. 11/899,137	:	DECISION ON PETITION
Filed: September 04, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **C07-2409**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 14, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the inventor's passport as evidence that Michael Ray Carr, 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 3742 for action on the merits commensurate with this decision.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

RECEIVED
CENTRAL FAX CENTER
APR 0 7 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KEATY PROFESSIONAL LAW CORPORATION
THOMAS S. KEATY
2 CANAL STREET
2140 WORLD TRADE CENTER
NEW ORLEANS, LA 70130

COPY MAILED

MAR 3 1 2008

In re Application of

CARR, Michael Ray
Application No. 11/899,137
Filed: September 04, 2007
Attorney Docket No. C07-2409

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 14, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the inventor's passport as evidence that Michael Ray Carr, 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 3742 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

2 4 JUN 2010

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

LAMBERT & ASSOCIATES, P.L.L.C.
92 STATE STREET
BOSTON MA 02109-2004

In re Application of
Brooks, Sarah Annasec
Application No.: 11/899,142
Filing Date: September 4, 2007
Attorney Docket No.: 07-093-SB
For: LUBRICATING COMPOSITION

DECISION ON PETITION

This decision is issued in response to applicant's "Petition under 37 CFR 1.78(a)(3) to Accept Unintentionally Delay of Priority Claim" dated April 09, 2010 to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to the prior-filed international application (PCT/GB2006/000710) set forth in the amendment filed with the instant application.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) is only applicable to those 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 where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above for the following reason:

The amendment submitted concurrently with the instant petition as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the instant 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.

It is noted that applicant's statement that "the delay in filing this priority claim was unintentional as a former employee of Lambert & Associates who was assigned to handle the filing of this U.S. patent application, incorrectly filed application under 35 U.S.C. 111(a) instead of 35 U.S.C. 371(a)" is construed as meaning that "the entire delay between the date the claim was due under 37 CFR 1.78(a)(3) and the date the claim was filed was unintentional." If this is incorrect, petitioner must immediately notify the Office of PCT Legal Administration. As construed, petitioner's statement satisfied item (3) above.

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

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Boris Milef
Legal Examiner
PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PETER T. MCCARTHY
26810 PINE CLIFF PLACE
VALENCIA CA 91381

COPY MAILED

JAN 0 4 2008

OFFICE OF PETITIONS

In re Application of
Peter T. McCarthy
Application No. 11/899,247
Filed: April 15, 2005
Attorney Docket No.: 26542.0093

: ON PETITION

This application has come to the attention of this office by way of the petition under 37 CFR 1.183 filed September 5, 2007, on behalf of Amy Goldman (Goldman), the trustee of the bankruptcy estate of Peter T. McCarthy (McCarthy), requesting waiver of the requirements of 37 CFR 3.73(b) and 37 CFR 1.32(b)(4).

The petition is dismissed.

In support of the above-noted petition, petitioner proffers a copy of an Order Granting Trustee's Motion for Order Authorizing Trustee to Prosecute Certain Pending Patent Applications from United States Bankruptcy Court, Central District of California, San Fernando Valley Division, and urges that notwithstanding the absence of a signed assignment by the named inventor, the power of attorney by Goldman, previously refused by the USPTO, should be accepted and further, Goldman should be considered the applicant.

Amy Goldman Is Not the Assignee of the Entire Interest or the "Applicant" in the Absence of Waiver of the Rules under 37 CFR 1.183:

Under 37 CFR 3.71, the assignee of the entire interest may prosecute an application to the exclusion of the named inventor(s), or any previous assignee, and also revoke, or appoint, a power of attorney in an application or patent. Pursuant to 37 CFR 3.73(b) and MPEP 324, that assignee must present its showing to the Office, either prior to, or concurrently with, the paper that requests the action, and that documentation must be recorded at the USPTO.[1] A party

[1] 37 CFR 3.11 *et seq.*, especially 37 CFR 3.21, require that an assignment (not just the recordation cover sheet of 37 CFR 3.31) specifically identify the *application* against which the assignment is to be recorded, which merely codify long-extant USPTO requirements. See Ex Parte Williamson, 1899 C.D. 177, 178 (Comm'r Pat. 1899); In re Aerial Tel. and Power Co., 1912 C.D. 24 (Comm'r Pat. 1912). A distinction must be made between a property right to an "invention," and a property right to a patent application, as a given patent application may or may not embody that "invention." The relevant statutes and regulations only speak to the recordation of the assignment of "applications for patent", not inventions. See, e.g., 35 USC § 261 and 37 CFR 3.11 et seq. Likewise, while 35 USC § 100 defines invention, § 100 does not

must establish that it is the owner of the entire interest, as the owner of only a part interest in an application does not have the sole right to control prosecution of the application. See In re Goldstein, 16 USPQ2d 1963, 1964 (Comm'r Pat. 1988; see also In re Scold, 195 USPQ 335, 335 (Comm'r Pat. 1976); Ex parte Harrison, 1925 Dec. Comm'r Pat. 122, 123 (Comm'r Pat. 1924). The procedures set forth in the regulations (e.g., 37 CFR 3.73(b)) serve to assure that papers filed with the USPTO in an application or patent are submitted on behalf of the owner(s) of the entire interest in the application or patent. See Goldstein, 16 USPQ2d at 1964.

Inventorship is the starting point for determining ownership, see University Patents, Inc. v. Kligman, 762 F.Supp. 1212, 1218-19, 20 USPQ2d 1401, 1405 (E.D. Pa. 1991), and unless there is an assignment, the USPTO will presume the named inventor to be the owner. See 37 CFR 3.73(a). Inspection of USPTO assignment records for the instant application fails to reveal that any written instrument has been recorded, or submitted for recordation, against this application, or the provisional and non-provisional applications whose benefit is herein claimed, and signed by McCarthy, that conveys his right title and interest herein to any other party, much less Goldman. Accordingly McCarthy is presumed to retain his ownership interest herein. See 37 CFR 3.73(a). It follows that Goldman is not the assignee of the entire interest of the above-identified application within the meaning of 37 CFR 3.71(a)(1), and as such Goldman is and remains a third party to the proceedings of this application.

Indeed, the third party papers admit that McCarthy has failed to sign an assignment for the present application. The third party papers either fail to realize, or conveniently ignore, the fact that the lack of a written document bearing McCarthy"s signature conveying his right title and interest in this application to Goldman is fatal to its burden of proving that Goldman is the assignee of the entire interest herein for purposes of intervening under 37 CFR 3.73(b). Indeed, the description of McCarthy's actions (or inactions) is the antithesis of a clear and unmistakable intent to transfer his ownership of this application to Goldman.

Thus, Goldman is not the assignee of the rights of McCarthy, within the meaning of 35 U.S.C. § 261 and 37 CFR 3.73(b) in the absence of McCarthy's signature on an assignment. In order for an instrument to be considered an assignment under the law in and of the United States, the conveyance **must be in writing.** See 35 U.S.C.A. § 256 n. 128. Further, that conveyance **must necessarily be executed by the assignor**. See 35 U.S.C.A. § 256 n. 136; Ashcroft v. Walworth, C.C. Mass 1872, Holmes 152, Fed. Cas. No. 580. Specifically, the assignment must be "in writing" in order to be valid or recognized by the USPTO. Standard Computing Scale Co. v. Lincoln Scale Corp., 57 F.2d 334, 11 USPQ 246 (W.D. Pa. 1931). In other words, the written conveyance must be duly signed by the assignor. American Tobacco v. Ascot Tobacco Works, 165 F. 207 (C.C. N.Y. 1908). While a valid assignment need not be executed under seal, the assignment must nevertheless be executed by the assignor. Gottfried v. Miller, 104 U.S. 521, 26 L.Ed. 851, 1882 C.D. 120. As noted in University Patents, Inc. v. Kligman, supra:

> Assignment of patent must be in writing, and writing must show clear and unmistakable intent to transfer ownership and **must be executed by patentee** or by patentee's

---

define invention as being synonymous with, or meaning, "application for patent." This distinction is further evident from inspection of other sections of Title 35: e.g., 35 §§ 111, 119, 120, 121, 131.

assigns or legal representatives(emphasis added).

As it is undisputed that McCarthy has not executed an instrument in writing that assigned his rights, title and interest in this application to Goldman, any contention that Goldman is the assignee of McCarthy's interest must be regarded as untenable. The remainder of the showing attempted to overcome the above-noted fatal lack of an executed assignment of this application by assertions to the effect that under court order, this application would be considered "assigned" to Goldman, is not an instrument operating as a conveyance of, this application to Goldman. Accordingly, the right, title and ownership of the application is not transferred and in the absence of such a document the ownership is presumed to remain with the inventor. See 37 CFR 3.73(a). Petitioner is reminded that it is the patent statutes and regulations that govern proceedings before the USPTO, not bankruptcy regulations.

While petitioner contends that the court order establishes Goldman as the owner of the instant application the order fails to require McCarthy to transfer ownership of the application to Goldman and in fact states that said order is "not a finding that the patents will ultimately be found to property of the estate". Here we have no indication that McCarthy cannot assign his rights or that the court has ordered him to do so or that he cannot ultimately obtain permission of the court to prosecute the application by himself or by counsel of his choosing. This controversy is properly resolved by litigation in a court of competent jurisdiction. It is well settled that the Office is not the appropriate forum for resolving a dispute concerning the ownership of an application, and, as such, the USPTO will not permit itself to become embroiled in ownership disputes. See, Ex Parte Harrison, 1925 Dec. Comm'r Pat. 122, 123 (Comm'r Pat. 1924); In re Moller, 1904 Dec. Comm'r Pat. 70, 71 (Comm'r Pat. 1904); Ex Parte McTammany, 1900, 168, 181 (Comm'r Pat. 1900); Ex Parte McFarlane, 1896 Dec. Comm'r Pat. 37,38 (Comm'r Pat. 1896); Ex Parte Gallatin, 1892 Dec. Comm'r Pat 106 (Comm'r Pat. 1892).

Third party petitioner is, in essence, seeking to have the PTO make a determination from the proffered documentation, and settle its self created dispute as to the title of this application. It is well settled that the Office is not the appropriate forum for resolving a dispute concerning the ownership of an application, and, as noted above, the PTO will not permit itself to become embroiled in ownership disputes. Indeed, the USPTO has no authority to decide ownership issues. See Cedars-Sinai Medical Center v. Watkins, 11 F.3d. 1573, 1581 n.10, 29 USPQ2d 1188, 1194 n.10 (Fed. Cir 1993), cert. denied, 114 S. Ct. (1994). Rather, state law governs contractual obligations and transfers of property rights, including those relating to patents. See Regents of the University of New Mexico v. Knight, 66 USPQ2d 1001, 1008 (Fed. Cir. 2003). The USPTO cannot settle disputes as to title, or convert whatever equitable title that might exist in this application for petitioner simply by inspection of the documents upon which petitioner relies. Rather, a judicial tribunal is the appropriate forum to resolve such controversy. See Jim Arnold Corp. v. Hydrotech Sys., Inc., 109 F.3d 1567, 1572, 42 USPQ2D 1119, 1123 (Fed. Cir. 1997)("the question of who owns the patent right and on what terms typically is a question exclusively for state courts"); Roach v. Crouch, 24 N.W. 2d 400, 33 USPQ2D 1361 (Iowa 1994) (patent ownership issue properly triable in state court); In re Haines, 1900 C.D. 102, 103 (Comm'r Pat. 1900)(same).

The USPTO will not (and in any event cannot) determine whether the court order operated to convey McCarthy's rights in the invention set forth in this application to Goldman.

With respect to the request for extraordinary relief under 37 CFR § 1.183:

For the reasons noted above, petitioner must be regarded as a third party with respect to this application. A mere assertion of a right to have the Office act in accordance with the statutes and regulations does not confer standing upon a third party. The Boeing Company v. Commissioner of Patents and Trademarks, 853 F.2d 878, 7 USPQ2d 1487 (Fed. Cir. 1988). Further, a third party does not have standing to challenge Office decisions made *ex parte.* See, e.g., Godtfredsen v. Banner, 503 F.Supp 642, 647, 207 USPQ 202, 207 (D.D.C. 1980), Syntex v. United States Patent and Trademark Office, 882 F.2d 1570, 1574-1575, 11 USPQ2d 1866, 1870 (Fed. Cir. 1989), Hitachi Metals Ltd. v. Quigg, 776 F.Supp 3, 20 USPQ2d 1920 (Fed. Cir. 1989). There is nothing in the patent statutes which gives rise to a right in nonapplicants to object to the way in which patent applications of others are treated by the Patent and Trademark Office. A third party has no right to intervene in a particular patent application. Animal Defense Fund v. Quigg, 932 F.2d 920, 930, 18 USPQ2d 1677, 1685 (Fed. Cir. 1991); Hallmark Cards, Inc. v. Lehman, 959 F. Supp. 539, 42 USPQ2d 1134 (D.D.C. 1997). Accordingly to the extent that petitioner may seek to invoke 37 CFR 1.183, that petition is dismissed.

Additionally, the bankruptcy trustee, Goldman, is not recognized by the rules of the USPTO as a person who may file an application, revoke or appoint a Power of Attorney, or file any other paper. Accordingly, the Power of Attorney submitted by Goldman on September 5, 2007 is not approved and the correspondence address of record has been changed to that of the sole inventor.

A courtesy copy of this decision is being mailed to counsel who filed this petition on behalf of Goldman. The USPTO will not undertake dual correspondence.

Third party and its representative are placed on notice that the Office considers the filing of a petition or other paper on behalf of a party having no standing in an application, and not otherwise authorized by the rules of practice, to be a petition or paper presented for an improper purpose (37 CFR 10.18). For example, the filing of a paper on behalf of a party in situations not authorized by the rules of practice delays the examination and processing of applications, which may cause harm to the general public if it results in the Office missing any one of the examination time frames specified in 35 U.S.C. §§ 154(b)(1)(A) or 154(b)(1)(B). Therefore, the Office may refer any further third party petitions in this or any other application to the Office of Enrollment and Discipline for appropriate action. See "Third Party Attempts to Protest or Otherwise Oppose the Grant of a Published Application," 1269 *Off. Gaz. Pat. Office* 179 (April 22, 2003)

Petitioner is reminded that the mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. See 37 CFR 1.181(f).

Telephone inquiries related to this decision may be addressed to the David Bucci at (571) 272-7099.

Brian Hearn
Petitions Examiner

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

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

TYCO Healthcare Group LP
Attn: IP Legal
5920 Longbow Drive
Mail Stop A36
Boulder, CO 80301-3299

Mail Date: 04/20/2010

Applicant	: Tom McMunigal	: DECISION ON REQUEST FOR
Patent Number	: 7645142	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/899,249	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/899,265	09/04/2007	Charles P. McCollum	7791-A-1CON2	7566

43354 7590 01/22/2008
MESCHKOW & GRESHAM, P.L.C.
5727 NORTH SEVENTH STREET, SUITE 409
PHOENIX, AZ 85014

EXAMINER

ART UNIT	PAPER NUMBER
2155	

MAIL DATE	DELIVERY MODE
01/22/2008	PAPER

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

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

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

1/17/08

MESCHKOW & GRESHAM, P.L.C.
5727 NORTH SEVENTH STREET, SUITE 409
PHOENIX AZ 85014

In re Application of: Charles P. McCollum et al. Serial No.: 11/899,265 Filed: September 4, 2007 Docket: 7791-A-1CON2 Title: METHOD AND CODE MODULE FOR ADDING FUNCTION TO A WEB PAGE	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 4, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

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

(i) be filed with the application.

(ii) 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.

(iii) must provide in support of the petition an Accelerated Examination Support Document (AESD).

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition and the required petition fee were not filed electronically using the USPTO's electronic filing system (EFS), or EFS-web, nor is there a statement asserting that EFS and EFS-web were not available during the normal business hours. In addition, the petition does not include a preexamination search statement or an Accelerated Examination Support document, as required above.

Note also that MPEP § 708.02 requires that a petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP § 708.02(a). Note that any petition to make special under MPEP § 708.02, subsection II was required to be filed prior to August 25, 2006.

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

Any inquiry regarding this decision should be directed to the undersigned whose telephone number is (571) 272-4147.

Kim Huynh
Quality Assurance Specialist,
Technology Center 2100
Computer Architecture, Software, and Information Security

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

LEON D. ROSEN
10960 WILSHIRE BOULEVARD, SUITE 1220
LOS ANGELES, CA 90024

COPY MAILED

SEP 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
BROUDE, et al.	:	
Application No. 11/899,325	:	DECISION ON PETITION
Filed: September 5, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 5, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

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

The instant petition includes the driver's license of inventor Leon D. Rosen, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Initial Patent Examination.

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

The application is being forwarded to the Office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is complete.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MILLENNIUM
PHARMACEUTICALS, INC.
40 LANDSDOWNE STREET
CAMBRIDGE MA 02139

COPY MAILED

SEP 08 2008

OFFICE OF PETITIONS

In re Application of	:	
Meyers, et al.	:	
Application No. 11/899,343	:	DECISION
Filed: 5 September, 2007	:	
Attorney Docket No. MPI00-054P1RCP1OMNIDV1DV2	:	

This is a decision on the petitions, filed on 21 July, 2008, and considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **DISMISSED**.

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

Alternatively, Petitioner may file a "Petition to Revive an Application under 37 C.F.R. §1.137(b) as Having Been Abandoned Due to Unintentional Delay."

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 C.F.R. §1.137(b). A petition alleging "unintentional" delay under 37 C.F.R. §1.137(b) must be accompanied by the petition fee (unless previously paid), and Petitioner always should refer to the Office website (http://www.uspto.gov/main/howtofees.htm) to ensure submission of the proper fees. (A specific fee is not stated here because fee amounts change and there is no way to know when Petitioner will submit materials for filing.))

This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

As to the Request to Withdraw
the Holding of Abandonment

A proper showing (for relief under 37 C.F.R. §1.181) (*see*: MPEP §711.03(c)):

- (as to non-receipt) requires at the very minimum: a statement from practitioner stating that the Office action was not received by the practitioner; a statement from the practitioner attesting to the fact that a search of the file jacket and docket records for the application indicates that the Office action was not received with a copy of those docket records; and a brief statement of the calendaring process and a copy of the due-date (calendar) docket record(s) where the nonreceived Office action would have been scheduled for reply had it been received must be attached to and referenced in the practitioner's statement; alternatively,

- (for a showing of timely and proper reply) requires a statement from practitioner stating that the reply was timely submitted by the practitioner; and copies of all papers submitted as and/or in support of that reply, with/and a copy of the date-stamped receipt card, Office FAX receipt acknowledgement (not simply Petitioner's FAX transmittal), or EFS receipt acknowledgment from the Office, along with practitioner's attestation as to the correctness/completeness of his/her records.

The showing(s) must include that of the person(s) with first-hand knowledge and an acknowledgment by the Petitioner that he/she has reviewed that information in compliance with his/her duty of candor to the Office. And under the rule (37 C.F.R. §1.181) Petitioner must seek relief within two months of the act complained of.

While Petitioner has made the averment of search and non-discovery and provided a docket report averred to be that for the instant application, Petitioner has failed to support the petition with, *inter alia*, the documentary presentations of the reply due-date docket for the dates on which the papers would have been filed. (*See*: the Commentary at MPEP §711.03(c))

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly Notice to File Corrected Application Papers mailed on 23 October, 2007, with reply due absent extension of time on or before Wednesday, 26 December, 2007.

The application went abandoned by operation of law after midnight 23 December, 2007.

The Office mailed the Notice of Abandonment on 27 June, 2008.

On 21 July, 2008, Petitioner filed the instant petition, asserting, *inter alia*, that the Notice to File Corrected Application Papers was not received, and avers a search of the file and non-discovery, but has failed to support the petition and averments of search and non-discovery with the documentary presentations of the reply due-date docket for the date on which the papers would have been filed.

Petitioner's attention always is drawn to the guidance in the Commentary at MPEP §711.03(c).[1]

---

[1] The Commentary at MPEP §711.03(c) provides in pertinent part:

*****

I. PETITION TO WITHDRAW HOLDING OF ABANDONMENT

A petition to revive an abandoned application (discussed below) should not be confused with a petition from an examiner's holding of abandonment. Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 C.F.R. 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 C.F.R. 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Two additional procedures are available for reviving an application that has become abandoned due to a failure to reply to an Office Action: (1) a petition under 37 C.F.R. 1.137(a) based on unavoidable delay; and (2) a petition under 37 C.F.R. 1.137(b) based on unintentional delay.

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

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

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[2]

---

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).

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

37 C.F.R. 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. 1.10(c), (d), (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP § 512. As stated in 37 C.F.R. 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. 1.8).

37 C.F.R. 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. 1.181(f).
Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

*****

[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).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

Allegations as to the Request to Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[5] (See, also, the commentary at MPEP §711.03(c)(I)(A) and (B).)

Further, the regulation requires relief be sought within two (2) months of the act complained of.

The petition fails to satisfy the above-stated requirements in that Petitioner failed make the showing required.

(*See* MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," alternative "A Reply Was Timely Filed"; see also: "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).)

---

[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[5] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Petitioner may file a petition under 37 C.F.R. §1.137(b) and aver unintentional delay. (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional" (the statement is in the form available online), and a terminal disclaimer and fee where appropriate.

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

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[6]) 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

[6] 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

COPY MAILED

NOV 2 8 2008

OFFICE OF PETITIONS

MILLENNIUM PHARMACEUTICALS, INC.
40 LANDSDOWNE STREET
CAMBRIDGE MA 02139

In re Application of	:	
Meyers, et al.	:	
Application No. 11/899,343	:	DECISION
Filed: 5 September, 2007	:	
Attorney Docket No. MPI00-054P1RCP1OMNIDV1DV2	:	

This is a decision on the petition filed on 10 October, 2008, and properly considered as a petition requesting withdrawal of the holding of abandonment under 37 C.F.R. §1.181.

The petition under 37 C.F.R. §1.181 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 C.F.R. §1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 C.F.R. §1.181 to Withdraw the Holding of Abandonment."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c) for guidance as to the proper showing and timeliness and showing requirements for relief under 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly Notice to File Corrected Application Papers mailed on 23 October, 2007, with reply due absent extension of time on or before Wednesday, 26 December, 2007.

The application went abandoned by operation of law after midnight 23 December, 2007.

The Office mailed the Notice of Abandonment on 27 June, 2008.

On 21 July, 2008, Petitioner filed a petition, asserting, *inter alia*, that the Notice to File Corrected Application Papers was not received, and avers a search of the file and non-discovery, but failed to support the petition properly consistent with the guidance in the Commentary at MPEP §711.03(c)(I) to which Petitioner was expressly directed—and the petition was dismissed on 8 September, 2008.

On 10 October, 2008, Petitioner resubmitted his petition, and again failed to support his petition consistent with the express requirements set forth in the Commentary at MPEP §711.03(c)(I), which are, in pertinent part:

> The showing required to establish nonreceipt of an Office communication **must** include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner **must** state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log;

> calendar; reminder system; or the individual docket record for the application in question.[1] (Emphasis supplied)

Petitioner's attention always is drawn in these matters to the guidance in the Commentary at MPEP §711.03(c)(I).

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner failed to make the showing required.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay

---

[1] *See*: MPEP §711.03(c) (I)(A).

[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).

under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

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

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

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

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

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.

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

MILLENNIUM
PHARMACEUTICALS, INC.
40 LANDSDOWNE STREET
CAMBRIDGE MA 02139

MAILED

MAR 12 2009

OFFICE OF PETITIONS

In re Application of :
Meyers, et al. :
Application No. 11/899,343 : DECISION
Filed: 5 September, 2007 :
Attorney Docket No. MPI00-054P1RCP1OMNIDV1DV2 :

This is a decision on the petition filed on 29 January, 2009, and properly considered as a petition requesting withdrawal of the holding of abandonment under 37 C.F.R. §1.181.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181. Petitioners must, *inter alia*, provide statements and documentary support as set forth in the Commentary at MPEP §711.03(c)(I)—*and with particularity to the requirements therein including statements of non-receipt at the address of record, search and non-discovery, with a description of docketing system and a statement of its reliability, and support for those the statements with copies of the docket record/file jacket cover and due date calendar/docket. (Further, the regulations at 37 C.F.R. §1.181 require that a Petitioner seek relief thereunder within two (2) months of the act complained of.)*

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly Notice to File Corrected Application Papers (copy enclosed) mailed on 23 October, 2007, with reply due absent extension of time on or before Wednesday, 26 December, 2007.

The application went abandoned by operation of law after midnight 23 December, 2007.

The Office mailed the Notice of Abandonment on 27 June, 2008.

On 21 July, 2008, Petitioner filed a petition, asserting, *inter alia*, that the Notice to File Corrected Application Papers was not received, and avers a search of the file and non-discovery, but failed to support the petition properly consistent with the guidance in the Commentary at MPEP §711.03(c)(I)—and the petition was dismissed on 8 September, 2008.

On 10 October, 2008, Petitioner resubmitted his petition, and again failed to support his petition consistent with the express requirements set forth in the Commentary at MPEP §711.03(c)(I), and so the petition was dismissed on 28 November, 2008.

On 29 January, 2009, Petitioner resubmitted his petition, and this time moved stepwise through the showings as to statements and as to the documentary support consistent with the express requirements set forth in the Commentary at MPEP §711.03(c)(I), which provide, in pertinent part:

***

> The showing required to establish nonreceipt of an Office communication **must** include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner **must** state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log;

calendar; reminder system; or the individual docket record for the application in question.[1] (Emphasis supplied)

***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

---

[1] *See*: MPEP §711.03(c) (I)(A).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on 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).

[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

Allegations as to the Request to
Withdraw the Holding of Abandonment

The record evidences a satisfactory presentation of the showing requirements under the Rule.

CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**, and the 27 June, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Office of Patent Application Processing(OPAP) for further processing as necessary in due course—*specifically to include the re-mailing of the 23 October, 2007, Notice to File Corrected Application Papers.*

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

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
11/899,343	09/05/2007	Rachel E. Meyers	MPI00-054P1RCP1OMNIDV1DV2

CONFIRMATION NO. 7990

FORMALITIES LETTER

30405
MILLENNIUM PHARMACEUTICALS, INC.
40 Landsdowne Street
CAMBRIDGE, MA 02139

OC000000026361812

Date Mailed: 10/23/2007

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. 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 required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings are not in compliance with 37 CFR 1.84 because figures 1-5, 7, 11-14A-B, 16A-B. 17A-B, 19A-B, 20A-20B, 23-29 contain figure or view numbers that have incorrect orientation. Reference characters, sheet numbers, and view numbers must be oriented in the same direction as the view. See 37 CFR 1.84(p)(1).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

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.

/nfissha/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

COPY MAILED

AUG 15 2008

OFFICE OF PETITIONS

In re Application of :
Chris Ho :
Application No. 11/899,405 : ON PETITION
Filed: September 5, 2007 :
Attorney Docket No. 1932.2173-001 :

This is a decision on the petition filed June 25, 2008, which is treated under 37 CFR 1.181 to withdraw the holding of abandonment.

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

The application was held abandoned on November 20, 2007, for failure to file a timely response to the Notice to File Missing Parts mailed September 19, 2007. A two (2) month period for reply was set. Accordingly, a Notice of Abandonment was mailed on June 3, 2008.

Petitioner asserts that a Reply to Notice to File Missing Parts of Application including a Petition for Extension of Time by three months with accompanying fee, a copy of the executed Declaration, the filing fees, the surcharge, a Preliminary Amendment and an Information Disclosure Statement, having a Certificate of First Class mailing thereon, were mailed on February 19, 2008 and received by the U.S. Patent and Trademark Office on February 21, 2008. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of mail pursuant to 37 CFR 1.8 dated February 19, 2008 and a postcard receipt date stamped by the USPTO on February 21, 2008 as proof of a timely reply.

The evidence submitted corroborates a timely response to the Notice to File Missing Parts. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee Is due and none has been charged.

Petitioner's deposit account no. 08-0380 has been charged for the three month extension of time extending the response period from November 19, 2007 to February 19, 2008, for the filing fees and the late surcharge.

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOHN BRUCKNER, P.C.
P.O. BOX 490
FLAGSTAFF AZ 86002

MAILED

OCT 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Christie et al	:	
Application No. 11/899,413	:	DECISION ON PETITION
Filed: September 4, 2007	:	
Attorney Docket No. WIRO1360-1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed April 6, 2009, is accepted as having been unintentionally delayed.

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

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

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dennis M. Connolly
999 Lehigh Station Road
Henrietta NY 14467

COPY MAILED

APR 1 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Michel J. Berg et al.	:	
Application No. 11/899,435	:	DECISION ON PETITION
Filed: September 6, 2007	:	
Attorney Docket No. 2/201	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 4, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 20, 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) were obtained. Accordingly, the application became abandoned on November 21, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, oath or declaration, and surcharge fee, (2) the petition fee of $810, 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 so 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.

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: WOMER,JASON,
Hiscock & Barclay LLP
2000 HSBC Plaza
100 Chestnut Street
Rochester, NY 14604

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 RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE PA 15146

COPY MAILED
NOV 18 2008

In re Application of Michael Baker Application No. 11/899,444 Filed: September 6, 2007 Attorney Docket No. MB 07159	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 29, 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 mailed November 13, 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
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED
JUL 21 2008
OFFICE OF PETITIONS

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109

In re Application of	:	
John M. Payne et al	:	
Application No. 11/899,446	:	DECISION GRANTING
Filed: September 5, 2007	:	PETITION
Attorney Docket No. 60510Q48	:	

This is a decision on the petition, filed October 12, 2007, requesting that the above-identified application be accorded a filing date of September 5, 2007, rather than the presently accorded date of September 6, 2007. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on September 5, 2007. In support, the petition is accompanied by a copy of Express Mail receipt No. EV810493222US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of September 5, 2007.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on September 5, 2007.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to **September 5, 2007** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3208. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/899,446	09/05/2007	John M. Payne	60510/Q48	8169

23363 7590 05/03/2010
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
05/03/2010	PAPER

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

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

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

CHRISTIE, PARKER & HALE, LLP
PO Box 7068
Pasadena CA 91109

In re Application of:
PAYNE, John et al.
Application No. 11/899,446
Filed: September 5, 2007
For: ONLINE SYSTEM AND METHOD FOR ENABLING SOCIAL SEARCH AND STRUCTED COMMUNICATIONS AMONG SOCIAL NETWORKS

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed April 30, 2008 requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 1 and 3-21 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 1 and 3-21. The amendment to the specification filed April 30, 2008 contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DONN K. HARMS
PATENT & TRADEMARK LAW CENTER
SUITE 100
12702 VIA CORTINA
DEL MAR, CA 92014

COPY MAILED

DEC 14 2007

OFFICE OF PETITIONS

In re Application of	:	
Harry Bruce CROWER, et al	:	
Application No. 11/899,456	:	DECISION ON PETITION
Filed: September 5, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 3752-CIP	:	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 Harvey Bruce Crower's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

COPY MAILED

OCT 28 2008

OFFICE OF PETITIONS

In re Application of	
Robert V. Bryon	
Application No. 11/899,461	DECISION ON PETITION
Filed: September 6, 2007	TO WITHDRAW
Attorney Docket No. 130410.00011	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 3, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the petitioner was not appointed by customer number. In order to withdraw by customer number practitioners must be appointed by customer number.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/April M. Wise/
April M. Wise
Petitions Examiner
Office of Petitions

cc: STEWART CLANCY
NEXPLORE CORPORATION
2601 NETWORK BLVD.
SUITE 208
FRISCO, TX 75034

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

ETHAN D. CIVAN
170 SOMERSET DRIVE
BLUE BELL PA 19422

MAILED

JUN 23 2010

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
John Mallaridas	:	TO WITHDRAW
Application No. 11/899,487	:	FROM RECORD
Filed: September 6, 2007	:	
Attorney Docket No. 2006-0503-US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 10, 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 Ethan D. Civan on behalf of all attorneys of record who are associated with Customer No. 55863.

All attorneys/agents associated with Customer Number 55863 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant 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: John Mallaridas
6811 Montgomery Avenue
Upper Darby, PA 19082

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

KUSNER & JAFFE
HIGHLAND PLACE SUITE 310
6151 WILSON MILLS ROAD
HIGHLAND HEIGHTS, OH 44143

Mail Date: 04/26/2010

Applicant	: Michael A. Centanni	: DECISION ON REQUEST FOR
Patent Number	: 7611667	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/899,490	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **170** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

COPY MAILED

MAR 2 4 2008

OFFICE OF PETITIONS

In re Application of

BYRON, Robert V.
Application No. 11/899,527
Filed: September 06, 2007
Attorney Docket No. **130410.00010**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 03, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Robert C. Klinger on behalf of all attorneys of record who are associated with customer No. 25555. 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 the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROBERT V. BYRON**
3509 WELLS DRIVE
PLANO, TEXAS 75093

cc: **STEWART CLANCY**
NEXPLORE CORPORATION
2601 NETWORK BLVD.
SUITE 208
FRISCO, TEXAS 75034

UNITED STATES PATENT and TRADEMARK OFFICE

05 MAR 2009

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Thomas R. Vigil
PYLE & PIONTEK, LLC
221 N. LaSalle St. Room 2036
Chicago, ILLINOIS 60601

In re Application of Gavin WALLACE Application No.: 11/899,541 PCT No.: PCT/NZ2006/000036 Filing Date: 22 October 2008 Attorney Docket No.: VAJP-40012 For: ESTIMATING STRENGTHS OF WOODEN SUPPORTS CALLIPER	DECISION ON PETITION UNDER 37 CFR1.182

This is response to applicant's "PETITION," filed on 22 October 2008, which is being treated as a petition under 1.182 to change the application type from a 35 USC 111(a) to 35 USC 35 USC 371 filing. The appropriate petition fee of $400.00 set forth in §1.17(f) has been not been provided.

BACKGROUND

On 06 September 2007, applicants the aforementioned application as a utility application. The application was processed as filing under 35 U.S.C. §111(a) because it was submitted using "Utility Patent Application Transmittal," form under 35 USC 111(a).

On 22 October 2008, petitioner filed the instant petition to convert the above application filed under 35 USC §111(a) to a national stage application filed under 35 USC §371.

DISCUSSION

U.S. statutes and regulations do not make specific provision for the requested conversion and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available. In the present case, petitioner has failed to make such a showing. Petitioner is advised that because international application PCT/NZ2006/000036 designated the United States, the present application may be treated as a continuation of international application PCT/NZ2006/000036, with no loss of priority rights, if the requirements of 35 U.S.C. 120 are met. See MPEP 1895.

Moreover, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states in relevant part:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111. . . . <u>If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111</u>. (Emphasis added.)

As such, any intended filing under 35 U.S.C. 371 a national stage application must clearly and unambiguously be identified as such, otherwise the submission will be treated as being filed under 35 U.S.C. 111(a). Note 37 CFR 1.494(f), 1.495(g) and MPEP 1893.03(a).

At time of filing this application, there were conflicting instruction because the transmittal letter requested to the filing to be treated under 35 U.S.C. 111(a), and the Application Data Sheet indicated on page 1, "This is a National Phase of PCT/NZ2006/000036."

Petitioner, however, is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is **DISMISSED.**

If reconsideration on the merits of this petition is desired, a proper reply must be filed within **TWO (2) MONTHS** form the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182," and the petition must be included for an appropriate response.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

26 AUG 2009

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Thomas R. Vigil
PYLE & PIONTEK, LLC
221 N. LaSalle St. Room 2036
Chicago, ILLINOIS 60601

In re Application of	: DECISION ON
Gavin WALLACE	:
Application No.: 11/899,541	: PETITION UNDER
Filing Date: 06 September 2007	:
Attorney Docket No.: VAJP-40012	: 37 CFR1.78(a)(3) and
For: ESTIMATING STRENGTHS OF WOODEN	:
SUPPORTS CALLIPER	: 37 CFR 1.55(c)

This is in response to applicant's communication "PETITION UNDER 37 CFR 1.78," which is being treated as PETITION UNDER 37 CFR 1.78(a)(3) and 37 CFR 1.55(c) filed 21 April 2009.

BACKGROUND

In a decision from this Office on 05 March 2009, the petition under 37 CFR §1.182 was dismissed because the application was treated properly under 35 USC §111(a), and applicant could correct the priority claim under 37 C.F.R. §1.78.

On 21 April 2009, petitioner filed a petition 37 CFR 1.78(3) to claim priority under 35 USC 120 from international application PCT/NZ2006/00036 under 37 C.F.R. §1.178(a)(3).

DISCUSSION

37 CFR 1.78(a)(3):

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section to the prior filed application, unless previously submitted:

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) of this section and 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.

Petitioner has not met requirements (1) - (3) under 37 CFR 1.78(a)(3)

Regarding requirement (1) the reference to the prior-filed international application has not been properly included in the ADS as required pursuant 37 CFR 1.78(a)(2)(iii). The ADS submitted on 21 April 2009, has been filed incorrectly because petitioner states that the application PCT/NZ06/000036 is a "Continuation." Petitioner needs to correct this and state that the current application is a continuation of PCT/NZ06/00036. This must be properly stated on the ADS.

Regarding requirement (2), petition fee of $1,410.00 set forth in 37 CFR 1.17(t) could not be charged to petitioner's Deposit Account No.: 504041 because there were insufficient funds on 14 July 2009.

Regarding requirement (3), the proper statement has not been provided.

<u>As to the benefit claim under 37 CFR 1.55(c):</u>

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 Commissioner may require additional information where there is a question whether the delay was unintentional.); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant petition fails to comply with item (2) above.

In this instance, the foreign claim to New Zealand application NZ 538649 is not presently acceptable absent a proper domestic claim to the aforementioned application PCT/NZ06/000036.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

For the reasons above, the petition under 37 CFR 1.55(c) is **DISMISSED** .

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.55(c) can be granted, a renewed petition and a supplemental Application Data Sheet (37 CFR 1.76(c)) correcting the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PCT
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 272-3276
ATTN: Office of PCT Legal Administration

Rafael Bacares
Legal Examiner
PCT Legal Administrative Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

Bryan Lin
Legal Examiner
PCT Legal Administrative Office

UNITED STATES PATENT and TRADEMARK OFFICE

3 0 NOV 2009

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Thomas R. Vigil
PYLE & PIONTEK, LLC
221 N. LaSalle St. Room 2036
Chicago, ILLINOIS 60601

In re Application of	:	DECISION ON
Gavin WALLACE	:	
Application No.: 11/899,541	:	
Filing Date: 06 September 2007	:	PETITION UNDER
Attorney Docket No.: VAJP-40012	:	
For: ESTIMATING STRENGTHS OF WOODEN	:	
SUPPORTS CALLIPER	:	37 CFR 1.78(a)(3)

This is in response to applicant's communication "PETITION UNDER 37 CFR 1.78," which is being treated as PETITION UNDER 37 CFR 1.78(a)(3) filed 29 September 2009.

BACKGROUND

In a decision from this Office on 26 August 2009, the petition under 37 CFR §1.78(a)(3) and 37 CFR §1.55(c) was dismissed.

On 29 September 2009, petitioner filed a petition under 37 CFR 1.78(a)(3) to claim benefit under 35 USC 120 from international application PCT/NZ2006/00036.

DISCUSSION

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 paragraph (a)(2) of this section to the prior filed application, unless previously submitted:

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) of this section and 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.

Petitioner has met requirements (2) - (3) but not item (1) under 37 CFR 1.78(a)(3).

Regarding requirement (1) the reference to the prior-filed international application has not been properly included in the supplemental application data sheet (ADS) as required pursuant 37 CFR 1.78(a)(2)(iii). Although the concurrently filed amendment to the specification is correct with respect to the benefit claim, the supplemental ADS continues to be incorrect. Pursuant to 37 CFR 1.76(d), the ADS controls in case of inconsistencies.

The supplemental ADS submitted on 29 September 2009, is incorrect because petitioner states that the application PCT/NZ06/000036 is a "a 371 of international." Petitioner needs to state that the current application is a continuation of PCT/NZ06/00036.

Regarding requirement (2), petition fee of $1,410.00 set forth in 37 CFR 1.17(t) has been paid by credit card.

Regarding requirement (3), the proper statement has been provided.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

Before the petition under 37 CFR §t1.78(a)(3) can be granted, a renewed petition and a supplemental Application Data Sheet (ADS) (37 CFR 1.76(c)) correcting the above matters are required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
Legal Examiner
PCT Legal Administrative Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

Boris Milef
Legal Examiner
PCT Legal Administrative Office

UNITED STATES PATENT and TRADEMARK OFFICE

1 7 MAR 2010

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Thomas R. Vigil
PYLE & PIONTEK, LLC
221 N. LaSalle St. Room 2036
Chicago, ILLINOIS 60601

In re Application of	: DECISION ON
Gavin WALLACE	:
Application No.: 11/899,541	: RENEWED
Filing Date: 06 September 2007	:
Attorney Docket No.: VAJP-40012	: PETITION UNDER
For: ESTIMATING STRENGTHS OF WOODEN	:
SUPPORTS CALLIPER	: 37 CFR 1.78(a)(3)

This is in response to applicant's communication "PETITION UNDER RULE 37 CFR 1.78" filed 16 December 2009.

BACKGROUND

In a decision from this Office on 30 November 2009, the petition under 37 CFR §1.78(a)(3) was dismissed because item (1) was not satisfied.

On 16 December 2009, petitioner filed a renewed petition under 37 CFR 1.78(a)(3) to claim benefit under 35 USC 120 and 365(c) to international application PCT/NZ06/000036, and has provided an amendment to the specification and a supplemental Application Data Sheet (ADS) setting forth the proper relationship in the "Domestic Benefit" section.

DISCUSSION

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 paragraph (a)(2) of this section to the prior filed application, unless previously submitted:
>
> (2) the surcharge set forth in § 1.17(t); and
>
> (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) of this section 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.

Regarding requirement (1) a proper reference to the prior-filed international application has been included in the ADS in the "Domestic Benefit" section.

Regarding requirement (2), the surcharge has been provided.

Regarding requirement (3), the proper statement has been provided.

Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C.§§120 and 365(c) to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.78(a)(3) is **GRANTED**.

Any questions concerning this matter may be directed to Rafael Bacares at (571) 272-3276. All other inquires concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application will be forwarded to Technology Center Art Unit 2882 for appropriate action.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMAS R. VIGIL LAW OFFICES
319 BLUFF COURT
BARRINGTON IL 60010

MAILED

MAY 25 2010

OFFICE OF PETITIONS

In re Application of.	:	
Gavin Wallace	:	
Application No. 11/899,541	:	NOTICE
Filed: September 6, 2007	:	
Attorney Docket No. VAJP-40012	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on March 31, 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 **DISMISSED**.

The request under 37 CFR 1.28 cannot be accepted at this time since a detailed break-down of the total amount paid has not submitted. Any subsequent request must include the 1) filing date of the original fee payment; 2) the type of fee, e.g., basic filing fee, maintenance fee, extension fee; 3) the amount of the original fee payment; and 4) the amount of the fee deficiency.

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 Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
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

RICHARD R. MUCCINO
758 SPRINGFIELD AVENUE
SUMMIT NJ 07901

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
CHERUKURI, S. RAO	:	
Application No. 11/899,601	:	DECISION ON PETITION
Filed: September 05, 2007	:	TO WITHDRAW
Attorney Docket No. **Cap1-002CIP**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Richard Muccino, the sole attorney of record. Richard Muccino has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor S. Rao Cherukuri at the address indicated below. There is an outstanding Office action mailed November 23, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **S. RAO CHERUKURI**
CAPRICON PHARMA
6900 ENGLISH MUFFIN WAY, UNIT A
FREDRICK MD 21703

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

OCT 2 0 2008

OFFICE OF PETITIONS

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

In re Application of :

WYNN, Simon et al. :
Application No. 11/899,638 : DECISION ON PETITION
Filed: September 06, 2007 : TO WITHDRAW
Attorney Docket No. **PA4179US** : FROM RECORD

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 25, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Robert H. Lee on behalf of all attorneys of record who are associated with customer No. 22830. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Simon Wynn 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: **SIMON WYNN**
900 CHERRY AVE. #600
SAN BRUNO, CA 94066

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

DAY PITNEY LLP
7 TIMES SQUARE
NEW YORK NY 10036-7311

COPY MAILED

FEB 1 8 2009

OFFICE OF PETITIONS

In re Application of	:	
MOUYIARIS, NIKOS	:	
Application No. 11/899,640	:	DECISION GRANTING PETITION
Filed: September 7, 2007	:	
Attorney Docket No. 700769.000000	:	

This is a decision on the petition under 37 CFR 1.10(c), filed January 21, 2009, requesting that the above-identified application be accorded a filing date of September 7, 2007, rather than the presently accorded date of September 6, 2007.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on September 7, 2007, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EB249741462, showing a date-in and stamped postal date of September 7, 2007. The same Express Mail receipt number was placed on the original patent application transmittal letter of record in the official file.

In view of the above, it is concluded that the application was deposited in Express Mail service on September 7, 2007. Accordingly, the present application is will be accorded a filing date of September 7, 2007. The petition is **granted**.

This application is being forwarded to the Office of Patent Application Processing **to correct the filing date to September 7, 2007,** and mail a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RICHARD F. JAWORSKI
Cooper & Dunham LLP
1185 Avenue of the Americas
New York NY 10036

MAILED

MAR 2 3 2009

OFFICE OF PETITIONS

In re Application of
Mayer et al.
Application No. 11/899,659
Filed: September 7, 2007
Attorney Docket No. 796/74678-Z

DECISION ON PETITION

This is a decision on the petition, filed March 2, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **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 pay the issue and publication fees on or before January 15, 2009, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed October 15, 2008. A Notice of Abandonment was mailed on February 10, 2009.

Petitioner asserts that the Notice of Allowance dated October 15, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements. Item(s) (3) has not been satisfied.

As to item (3), a review of the docket records shows that petitioner has failed to provide master docket records for the firm. Nor has petitioner stated that a master docket does not exist. 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. See MPEP 711.03(c). Petitioner has only provided an individual docket record and a copy of a calendar.

Accordingly, absent the required evidence to establish nonreceipt of the Notice of October 15, 2008, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

It is noted that petitioner has submitted a request to treat this petition as a petition to revive pursuant to 37 CFR 1.137(b). However, this request is being held in abeyance until a renewed petition under 1.181 is filed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building

401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RICHARD F. JAWORSKI
Cooper & Dunham LLP
1185 Avenue of the Americas
New York NY 10036

MAILED

JUN 19 2009

OFFICE OF PETITIONS

In re Application of :
Mayer et al. :
Application No. 11/899,659 : DECISION ON PETITION
Filed: September 7, 2007 :
Attorney Docket No. 796/74678-Z :

This is a decision on the renewed petition, filed April 3, 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 of Allowance and Fees Due mailed October 15, 2008, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on February 10, 2009.

Petitioner asserts that the Notice of Allowance and Fees Due dated October 15, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived

> Office action must be submitted as documentary proof of nonreceipt of the Office action. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2856 for remailing the Notice of Allowance and Notice of Allowability of October 15, 2008 and resetting the period for reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Scott A. Moskowitz
16711 Collins Avenue, #2505
Sunny Isles Beach, FL 33160

Mail Date: 04/21/2010

Applicant	: Scott A. Moskowitz	: DECISION ON REQUEST FOR
Patent Number	: 7647503	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/899,661	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **109** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

BRUCE L. ADAMS, ESQ.
SUITE 1231
17 BATTERY PLACE
NEW YORK, NY 10004

Mail Date: 05/04/2010

Applicant	: Hisao Nakamura	: DECISION ON REQUEST FOR
Patent Number	: 7646677	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/899,663	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **199** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

ALEKSANDR SMUSHKOVICH
PO BOX 140505
BROOKLYN, NY 11214

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

In re Application of	:	
George Weiss	:	
Application No. 11/899,671	:	DECISION ON PETITION
Filed: September 8, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 8, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's drivers license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred back to the Office of Patent Application Processing to for processing of the response to the Notice to File Correct Application Papers mailed September 7, 2007. This application will be accorded "special" status when pre-examination processing is done.

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

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

COPY MAILED

OCT 1 0 2008

OFFICE OF PETITIONS

In re Application of :

WYNN, Simon et al. :
Application No. 11/899,697 : DECISION ON PETITION
Filed: September 06, 2007 : TO WITHDRAW
Attorney Docket No. **PA4177US** : FROM RECORD

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 25, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Robert H. Lee on behalf of all attorneys of record who are associated with customer No. 22830. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Simon Wynn 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: **SIMON WYNN**
DEVICESCOPE SOFTWARE, INC.
900 CHERRY AVE., #600
SAN BRUNO, CA 94066

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paul M. Denk
Suite 170
763 S. New Ballas Rd.
St. Louis MO 63141

COPY MAILED
DEC 16 2008

In re Application of	:
Dobler, et al.	: DECISION ON PETITION
Application No. 11/899,720	:
Filed: September 7, 2007	:
Atty. Dkt. No: 7808	:

The above-identified application has been forwarded to the Office of Petitions for consideration of the "Petition to Revive," filed October 21, 2008. As the petition on its face fails to meet the minimum requirements for a petition to revive pursuant to 37 CFR 1.137, this matter is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

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 25, 2007 for failure to timely submit a proper reply to the Notice to File Missing Parts (Notice) mailed September 24, 2007. The Notice set a two month shortened statutory period of time for reply. A reply to the Notice was filed December 13, 2007. The reply included a one month extension of time. A Notice of Incomplete Reply was mailed January 3, 2008. The Notice of Incomplete Reply advised applicants that Figure 9 was omitted from the application as filed and was not included with the reply to the Notice submitted December 13, 2007. The Notice of Incomplete Reply advised that the period of time for reply to reply remained as set forth in the Notice mailed September 24, 2007. A reply to the Notice of Incomplete Reply was submitted May 5, 2008. Notice of Abandonment was mailed September 29, 2008.

Petitioners argue a reply to the Notice was sent on December 12, 2007 and that another reply was submitted May 1, 2008.

The replies referenced by petitioners were received December 13, 2007 and May 5, 2008. The December 13, 2007 reply was incomplete, as indicated by the Notice of Incomplete Mailed January 30, 2008. The reply received May 5, 2008 was untimely.

The Notice of Incomplete Reply did not set a new time period for reply, wherein it stated that "[t]he period of time for reply remains as set forth in the Notice." Accordingly, a reply was due on or before November 24, 2007. A one month extension of time was timely procured and extended the period of time for reply to December 24, 2007. However, the period of time for reply to the Notice was extendible to April 24, 2008. Applicants did not reply until May 5, 2008. Accordingly, the application became abandoned December 25, 2007 for failure to timely submit a proper reply to the Notice mailed September 24, 2007.

Accordingly, the holding of abandonment cannot be withdrawn as the application became abandoned as a consequence of applicants' failure to timely submit a proper reply to the Notice mailed September 24, 2007.

As the extension of time fee submitted May 5, 2008 in the amount of $230.00 was subsequent to the maximum period of time allowed by law to reply to the Notice, applicants are entitled to a refund of this fee. A refund will issue in due course.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if

petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paul M. Denk
Suite 170
763 S. New Ballas Rd.
St. Louis MO 63141

COPY MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of
Dobler, et al.
Application No. 11/899,720
Filed: September 7, 2007
Atty. Dkt. No: 7808

: DECISION ON PETITION

This decision is in response to the petition renewed under 37 CFR 1.137(b), filed January 21, 2009.

The petition under 37 CFR 1.137(b) is hereby **GRANTED**.

The application became abandoned December 25, 2007 for failure to timely submit a proper reply to the Notice to File Missing Parts (Notice) mailed September 24, 2007. The Notice set a two month shortened statutory period of time for reply. A reply to the Notice was filed December 13, 2007. The reply included a one month extension of time. A Notice of Incomplete Reply was mailed January 3, 2008. The Notice of Incomplete Reply advised applicants that Figure 9 was omitted from the application as filed and was not included with the reply to the Notice submitted December 13, 2007. The Notice of Incomplete Reply advised that the period of time for reply to reply remained as set forth in the Notice mailed September 24, 2007. A reply to the Notice of Incomplete Reply was submitted May 5, 2008. Notice of Abandonment was mailed September 29, 2008. A petition under 37 CFR 1.181 was filed October 21, 2008 and dismissed December 16, 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) an adequate statement of unintentional delay. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

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
www.uspto.gov

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

COPY MAILED

OCT 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
WYNN, Simon et al.	:	
Application No. 11/899,739	:	DECISION ON PETITION
Filed: September 06, 2007	:	TO WITHDRAW
Attorney Docket No. **PA4178US**	:	FROM RECORD

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 25, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Robert H. Lee on behalf of all attorneys of record who are associated with customer No. 22830. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Simon Wynn 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: **SIMON WYNN**
DEVICESCAPE SOFTWARE, INC.
900 CHERRY AVE., #600
SAN BRUNO, CA 94066

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

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Mail Date: 06/02/2010

Applicant	: Gang Lu	: DECISION ON REQUEST FOR
Patent Number	: 7624164	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/899,743	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **39** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

HITACHI GLOBAL STORAGE TECHNOLOGIES, INC.
5600 COTTLE ROAD, NHGB/0142
IP DEPARTMENT
SAN JOSE, CA 95193

Mail Date: 04/21/2010

Applicant	: Iwao Oshimi	: DECISION ON REQUEST FOR
Patent Number	: 7576936	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/899,767	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

HITACHI GLOBAL STORAGE TECHNOLOGIES, INC.
5600 COTTLE ROAD, NHGB/0142
IP DEPARTMENT
SAN JOSE, CA 95193

Mail Date: 04/21/2010

Applicant	: Iwao Oshimi	: DECISION ON REQUEST FOR
Patent Number	: 7576936	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/899,767	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/899,782	09/07/2007	Bernd Nebendahl	20040237-02	9277

7590 11/30/2009
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER
HELLNER, MARK

ART UNIT	PAPER NUMBER
3663	

NOTIFICATION DATE	DELIVERY MODE
11/30/2009	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: 11/25/2009 NFARMER
09/11/2007 EAYALEWI 00000033 501078 11899782
02 FC:1111 500.00 CR

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

KOPPEL, PATRICK & HEYBL
555 ST. CHARLES DRIVE
SUITE 107
THOUSAND OAKS CA 91360

COPY MAILED

APR 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Chitnis et al.	:	
Application No. 11/899790	:	
Filing or 371(c) Date: 09/07/2007	:	
Attorney Docket Number:	:	
P0787US2-7	:	ON PETITION

This Decision is in response to the "Petition Under 37 C.F.R. §1.47 Filing when an Inventor Refuses to Sign or Cannot be Reached," filed February 25, 2008, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). The petition is properly treated as a petition under 37 CFR 1.47(a) See, MPEP 409.03.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, James Seruto, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for processing of the reply to the Notice in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MR. JAMES SERUTO
410 UNION AVENUE
ORCUTT, CA 93455

COPY MAILED

APR 14 2008

OFFICE OF PETITIONS

In re Application of :
Chitnis et al. :
Application No. 11/899790 :
Filing or 371(c) Date: 09/07/2007 :
Attorney Docket Number: :
P0787US2-7 :

Dear Mr. Seruto:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

CC: KOPPEL, PATRICK & HEYBL
555 ST. CHARLES DRIVE
SUITE 107
THOUSAND OAKS CA 91360

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

Mintz Levin Cohn Ferris Glovsky & Popeo
Attn: Patent Intake Customer No. 35437
One Financial Center
Boston, MA 02111

COPY MAILED

SEP 24 2008

In re Application of	:	
Oleg Logvinov et al.	:	
Application No. 11/899,853	:	DECISION ON PETITION
Filed: September 7, 2007	:	TO WITHDRAW
Attorney Docket No. 34585-505 CON	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed August 27, 2008.

The request is **APPROVED**.

A review of the file record indicates that Peter F. Snell and all attorneys/agents associated with customer number 35437: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, all attorneys/agents associated with customer number 35437 have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first signing inventor at the address noted on the oath and declaration, since no assignee has properly intervened in this application. A courtesy copy of this decision will be mailed to address as indicated in the request to withdraw. If this firm would like to receive future correspondence, the proper power of attorney documents must be submitted or if an assignee has intervened compliance with 37 CFR 3.73(b) must be satisfied.

Applicant is reminded that there is no attorney of record at this time.

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: Oleg Logvinov
27 Beacon Hill Drive
East Brunswick, NJ 08816

cc: Arkados, Inc.
c/o Oleg Logvinov
220 Old New Brunswick Road, Suite 202
Piscataway, NJ 08854

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
11/899,853	09/07/2007	Oleg Logvinov	34585-505 CON

CONFIRMATION NO. 9184

POWER OF ATTORNEY NOTICE

35437
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ATTN: PATENT INTAKE CUSTOMER NO. 35437
ONE FINANCIAL CENTER
BOSTON, MA 02111

OC000000032241768

Date Mailed: 09/24/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/27/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/899,857	09/07/2007	Emi Arakawa	SONYJP 3.3-866 CONT	9251

7590 09/10/2009
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
09/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/11/2009 NFARMER
09/11/2007 TNGUYEN2 00000024 121095 11899857
02 FC:1111 503.00 CR
04 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

Richard M. Rosati, Esq.
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

Mail Date: 04/21/2010

Applicant	: Takeshi Hosoya	: DECISION ON REQUEST FOR
Patent Number	: 7639431	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/899,873	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **143** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH NC 27606

COPY MAILED

FEB 13 2008

OFFICE OF PETITIONS

In re Application of Ciftan et al. Application No. 11/899885 Filing or 371(c) Date: 09/07/2007 Title of Invention: NANODIAMOND FRACTIONAL AND THE PRODUCTS THEREOF	: : : : : : :	DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to a "Petition Under 37 C.F.R. § 1.47(a)", filed January 15, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor. The delay in treating this petition is regretted.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Scott L. Wallen, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent Application Processing for continued processing in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MR. SCOTT L. WALLEN
1319 TALLYHO TRAIL
CHAPEL HILL, NC 27516-9613

COPY MAILED

FEB 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Ciftan et al.	:	
Application No. 11/899885	:	LETTER
Filing or 371(c) Date: 09/07/2007	:	
Title of Invention:	:	
NANODIAMOND FRACTIONAL AND	:	
THE PRODUCTS THEREOF	:	

Dear Mr. Wallen:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

CC: MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH NC 27606

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

MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH NC 27606

COPY MAILED re-mail

FEB 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Ciftan et al.	:	
Application No. 11/899885	:	DECISION GRANTING
Filing or 371(c) Date: 09/07/2007	:	STATUS UNDER
Title of Invention:	:	37 CFR 1.47(a)
NANODIAMOND FRACTIONAL AND	:	
THE PRODUCTS THEREOF	:	

This is in response to a "Petition Under 37 C.F.R. § 1.47(a)", filed January 15, 2008, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor. The delay in treating this petition is regretted.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Scott L. Wallen, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent Application Processing for continued processing in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/24/09

TO SPE OF : ART UNIT 1793

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/899885 Patent No.: 7569205 B1

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D62-B
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-756-1591

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE

1793
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ORUM & ROTH, LLC
53 W. JACKSON BLVD.
CHICAGO, IL 60604-3606

COPY MAILED
DEC 02 2008

In re Application of	:	
Markus Kernwein	:	
Application No. 11/899,896	:	DECISION ON PETITION
Filed: September 7, 2007	:	
Attorney Docket No. 14751	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 28, 2008he above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed September 25, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 27, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

Since the $130 for the terminal disclaimer fee submitted with the petition on July 28, 2008 is deemed unnecessary, 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 undersigned at (571)272-1642.

This application is being referred to the Office of Patent Application Papers for appropriate action on the reply received July 28, 2008.

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

WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

COPY MAILED

AUG 07 2009

OFFICE OF PETITIONS

Applicant: Kelly et al.
Appl. No.: 11/899,898
Filing Date: September 6, 2007
Title: 1-ARYL- OR 1-ALKYLSULFONYL-HETEROCYCLYBENZAZOLES AS 5-HYDROXYTRYPTAMINE-6 LIGANDS
Attorney Docket No.: AM100053 D3
Pub. No.: US 2008/0064684 A1
Pub. Date: March 13, 2008
Issue Date: June 2, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 1, 2008, for the above-identified application. The patent issued on June 2, 2009.

The request is DISMISSED as moot.

Since the application has been issued as a patent, the request is deemed moot.

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/899,902	09/06/2007	Sang-Hyun Kim	5000-1-1003	9225

7590 12/05/2008

CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS, NJ 07652

EXAMINER
PARKER, KENNETH

ART UNIT	PAPER NUMBER
2815	

MAIL DATE	DELIVERY MODE
12/05/2008	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

Refln, Ref: 06/15/2009 BPOWELL 0013592500
DAN:502470 Name/Number:11899902
FC: 9264 $500.00 CK

Adjustment date: 06/15/2009 BPOWELL
09/11/2007 EAYALEU1 00000053 11899902
02 FC:1111 -500.00 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
www.uspto.gov

DEC 0 2 2009

THOMTE LAW OFFICE, L.L.C.
2120 S. 72ND STREET, SUITE 1111
OMAHA, NE 68124

In re application of Danny D. Daniels Application No. 11/899,919 Filed: September 7, 2007 For: PORTABLE OR STATIONARY ANIMAL ALLEY	: : : : : :	**DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102**

This is a decision on the petition filed on September 10, 2009 to make the above-identified application special for Infringement under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special for Infringement under 37 C.F.R. § 1.102(d) is not acceptable at least because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on September 10, 2009, the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

/Teri P. Luu/

Teri P. Luu,
Quality Assurance Specialist
Technology Center 3600

TL: 12/01/09

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

DELPHINE M JAMES
2656 SOUTH LOOP WEST #170
HOUSTON TX 77054

COPY MAILED

NOV 1 0 2008

OFFICE OF PETITIONS

In re Application of Sonny L. Carson Application No. 11/899,932 Filed: September 8, 2007 Title: Recreational Vehicle Portable Deck	: : : : :	ON PETITION

This is a decision on the paper titled "PETITION TO ACCEPT FEES UNDER 37 USC 21(a)", filed October 27, 2008, which is being treated as a petition to revive under 37 CFR 1.137(a), in view of petitioner's statement that the application was "unavoidably abandoned".

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a complete reply in response to the Notice to File Corrected Application Papers mailed February 6, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings, additional claims fees in the amount of $200, and a $65 surcharge for their late filing. Applicant filed a reply on August 7, 2008 (Certificate of Maling dated August 6, 2008). Applicant's reply consisted of a two month extension of time in the amount of $230, and $255 for the additional claims fees and surcharge. However, a two month extension of time was not sufficient to make an August 7, 2008 reply timely - rather, a four month extension of time would have

been required. The Office mailed a Notice of Incomplete Reply on August 25, 2008, stating that applicant needed to submit the missing $10, and that the period for reply would continue to run from the mailing date of the February 6, 2008 Notice to File Corrected Application Papers. No additional reply with a five month extension of time having been received, the application became abandoned on April 7, 2008. A Notice of Abandonment was mailed on October 10, 2008.

A grantable petition under 37 CFR 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 set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (2).

Applicant has not submitted the required petition fee of $270. The petition fee is required for the filing, and not merely the grant, of the petition.[1] As such, the petition will not be considered on the merits until applicant submits the petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] See MPEP 711.03(c)(II)(B).

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

DELPHINE M JAMES
2656 SOUTH LOOP WEST #170
HOUSTON TX 77054

COPY MAILED

FEB 06 2009

OFFICE OF PETITIONS

In re Application of Sonny L. Carson Application No. 11/899,932 Filed: September 8, 2007 Title: Recreational Vehicle Portable Deck	: : : : :	ON PETITION

This is a decision on the paper titled "RESUBMISSION - PETITION TO REVIVE ABANDONED APPLICATION", filed January 14, 2009, and re-filed on January 23, 2009, which is being treated as a renewed petition to revive under 37 CFR 1.137(a).

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a complete reply in response to the Notice to File Corrected Application Papers mailed February 6, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings, additional claims fees in the amount of $200, and a $65 surcharge for their late filing. Applicant filed a reply on August 7, 2008 (Certificate of Maling dated August 6, 2008). Applicant's reply consisted of a two month extension of time in the amount of $230, and $255 for the additional claims fees and surcharge. However, a two month extension of time was not sufficient to make an August 7, 2008 reply timely - rather, a four month extension of time would have been required. The Office mailed a Notice of Incomplete Reply on

August 25, 2008, stating that applicant needed to submit the missing $10, and that the period for reply would continue to run from the mailing date of the February 6, 2008 Notice to File Corrected Application Papers. No additional reply with a five month extension of time having been received, the application became abandoned on April 7, 2008. A Notice of Abandonment was mailed on October 10, 2008.

A grantable petition under 37 CFR 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 set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

Petitioner states that his office building was damaged by Hurricane Ike, and as a result, he was unable to get access for a period of five days after the storm - from September 10, 2008 through October 4, 2008. However, that does not explain why petitioner was unavoidably prevented from submitting a four month extension of time with his reply filed August 7, 2008. While the failure to submit a four month extension of time may have been unintentional, there has been no showing that it was unavoidable.

---

[1] In re Mattulath, 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 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

Moreover, the last day petitioner could have filed a response, with the maximum obtainable five month extension of time, would have been September 6, 2008. As such, the application was already abandoned by the time that petitioner argues he was unable to get access to his office building.

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to **37 CFR 1.137(b)** on the basis of **unintentional** delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DELPHINE M JAMES
2656 SOUTH LOOP WEST #170
HOUSTON TX 77054

COPY MAILED

MAY 11 2009

OFFICE OF PETITIONS

In re Application of Sonny L. Carson Application No. 11/899,932 Filed: September 8, 2007 Title: Recreational Vehicle Portable Deck	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 6, 2009.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a complete reply in response to the Notice to File Corrected Application Papers mailed February 6, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings, additional claims fees in the amount of $200, and a $65 surcharge for their late filing. Applicant filed a reply on August 7, 2008 (Certificate of Maling dated August 6, 2008). Applicant's reply consisted of a two month extension of time in the amount of $230, and $255 for the additional claims fees and surcharge. However, a two month extension of time was not sufficient to make an August 7, 2008 reply timely - rather, a four month extension of time would have been required. The Office mailed a Notice of Incomplete Reply on August 25, 2008, stating that applicant needed to submit the **missing $10**, and that the period for reply would continue to run

from the mailing date of the February 6, 2008 Notice to File Corrected Application Papers. No additional reply with a five month extension of time having been received, the application became abandoned on April 7, 2008. A Notice of Abandonment was mailed on October 10, 2008.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition does not meet requirement (1) above. Petitioner has not submitted the $10 as set forth in the August 25, 2008 Notice of Incomplete Reply.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DELPHINE M JAMES
2656 SOUTH LOOP WEST #170
HOUSTON TX 77054

COPY MAILED

AUG 1 0 2009

OFFICE OF PETITIONS

In re Application of Sonny L. Carson Application No. 11/899,932 Filed: September 8, 2007 Title: Recreational Vehicle Portable Deck	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 10, 2009.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)". Extensions of time under 37 CFR 1.136(a) are permitted.

The above-identified application became abandoned for failure to timely file a complete reply in response to the Notice to File Corrected Application Papers mailed February 6, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings, additional claims fees in the amount of $200, and a $65 surcharge for their late filing. Applicant filed a reply on August 7, 2008 (Certificate of Maling dated August 6, 2008). Applicant's reply consisted of a two month extension of time in the amount of $230, and $255 for the additional claims fees and surcharge. However, a two month

extension of time was not sufficient to make an August 7, 2008 reply timely - rather, a four month extension of time would have been required. The Office mailed a Notice of Incomplete Reply on August 25, 2008, stating that applicant needed to submit the **missing $10**, and that the period for reply would continue to run from the mailing date of the February 6, 2008 Notice to File Corrected Application Papers. No additional reply with a five month extension of time having been received, the application became abandoned on April 7, 2008. A Notice of Abandonment was mailed on October 10, 2008.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition does not meet requirement (1) above. Petitioner has not submitted the $10 as set forth in the August 25, 2008 Notice of Incomplete Reply. Office records indicates that when the $10 fee was attempted to be charged to petitioner's credit card, the credit card was declined.

In addition, it has come to the Office's attention that petitioner did not pay the petition fee in full on April 6, 2009. Petitioner submitted a petition fee in the amount of $540. However, that is the petition fee for a petition to revive under 37 CFR 1.137(a) (non-small entity fee). The small entity fee for a petition to revive under 37 CFR 1.137(b) is $810. Accordingly, on renewed petition, petitioner must also submit the balance of the petition fee due, or $270.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DELPHINE M JAMES
2656 SOUTH LOOP WEST #170
HOUSTON TX 77054

COPY MAILED

OCT 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Sonny L. Carson	:	
Application No. 11/899,932	:	ON PETITION
Filed: September 8, 2007	:	
Title: Recreational Vehicle Portable Deck	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 13, 2009.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a complete reply in response to the Notice to File Corrected Application Papers mailed February 6, 2008. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings, additional claims fees in the amount of $200, and a $65 surcharge for their late filing. Applicant filed a reply on August 7, 2008 (Certificate of Maling dated August 6, 2008). Applicant's reply consisted of a two month extension of time in the amount of $230, and $255 for the additional claims fees and surcharge. However, a two month

extension of time was not sufficient to make an August 7, 2008 reply timely - rather, a four month extension of time would have been required. The Office mailed a Notice of Incomplete Reply on August 25, 2008, stating that applicant needed to submit the missing $10, and that the period for reply would continue to run from the mailing date of the February 6, 2008 Notice to File Corrected Application Papers. No additional reply with a five month extension of time having been received, the application became abandoned on April 7, 2008. A Notice of Abandonment was mailed on October 10, 2008.

With the instant petition, petitioner submitted the petition fee, submitted the required reply in the form of the missing additional claims fee, and made the proper statement of unintentional delay.

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

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

HOWARD O. HANSEN JR.
P.O. BOX 149761
ORLANDO, FL 32814

COPY MAILED

AUG 1 5 2008

OFFICE OF PETITIONS

In re Application of :
Hansen, Howard O. Jr. :
Application No. 11/899,940 : ON PETITION
Filed: September 10, 2007 :
Title: Solar/Geothermal Powered :
Thermodynamic Hydro Electric Generating
System

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 16, 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 Replacement Abstract, (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

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

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

COPY MAILED

JAN 29 2008

OFFICE OF PETITIONS

In re Application of
Huang, et al.
Application No.: 11/899,966
Filed: September 7, 2007
Attorney Docket No:K0502.70051US03

: ON PETITION

This is a decision on the petition filed January 11, 2008, requesting that the above-identified application be accorded a filing date of September 7, 2007.

The petition is **granted**.

On September 7, 2007, the above-identified application was filed. On September 28, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" (the "Notice"), stating that the application had not been accorded a filing date because at least one claim did not accompany the application papers. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on January 11, 2008, applicants filed the present petition and a postcard receipt date-stamped by the Office whereby the USPTO acknowledged having received 22 claims contained on 4 pages, among other items.

Upon review of the record, the claims were not located among the original application papers. The evidence is convincing, however, that the claims accompanied the application papers filed on September 7, 2007. Therefore, the application, including the claims, was complete on filing and entitled a filing date of September 7, 2007. It is noted that the "Notice of Incomplete Nonprovisional Application" allowed a non-extendable period for reply of two-month from its mailing date, yet the instant petition was not filed until January 11, 2008. As the filing of the instant petition was necessitated by an Office error, the non-extendable two-month period for reply to the "Notice of Incomplete Nonprovisional Application" is *sua sponte* waived.

The petition fee of $400.00 will be refunded, in due course.

The application file will be directed to the Office of Patent Application Processing for further review with a filing date of September 7, 2007, including the four pages of claims a copy of which was filed with the instant petition. 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

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

ROETZEL & ANDRESS
1375 EAST 9TH STREET
CLEVELAND OH 44114

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application of	:
Eva Nemcik	:
Application No. 11/900,041	: DECISION GRANTING PETITION
Filed: September 10, 2007	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 122080.0001	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed January 26, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/843,952, filed September 12, 2006, as set forth in the in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

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 1.78(a)(6) 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.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional Application No. 60/843,952 filed on September 12, 2006 , as required by 37 1.78(a)(5)(iii).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Further, the change of power of attorney and change of correspondence address has been accepted.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Any other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3765 for appropriate action on the amendment submitted January 26, 2010, including consideration by the examiner of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/900,041	09/10/2007	3765	575	122080.0001	3	3

CONFIRMATION NO. 9915

CORRECTED FILING RECEIPT

37287
ROETZEL & ANDRESS
1375 EAST 9TH STREET
CLEVELAND, OH 44114

OC000000041670489

Date Mailed: 05/19/2010

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)

Eva Nemcik, Kirtland, OH;

Power of Attorney: The patent practitioners associated with Customer Number 37287

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/843,952 09/12/2006

Foreign Applications

If Required, Foreign Filing License Granted: 09/21/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/900,041**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

FOOT ALIGNMENT SOCKS

Preliminary Class

002

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO NY 14202-4040

COPY MAILED
JAN 29 2010

In re Application of	:	
Michal KRISL	:	
Application No. 11/900,056	:	ON PETITION
Filed: September 10, 2007	:	
Attorney Docket No. 031529.00128	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 6, 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)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is 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 amendment that prima facie places the application in condition for allowance; (2) the petition fee of $1620; and (3) the required statement of unintentional delay have been received.

Examiner Hess approved the Amendment filed with the petition on November 5, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center 3651 for further processing in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paul D. Greeley
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
10th Floor
One Landmark Square
Stamford CT 06901-2682

MAILED

JUN 01 2010

OFFICE OF PETITIONS

In re Application of	:
Theodos, et al.	:
Application No. 11/900,064	: DECISION ON PETITION
Filed: September 10, 2007	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 315.8571USU	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed March 31, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on September 10, 2007, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/952,138, which was filed on July 26, 2007, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application

after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement with respect to Application No. 60/952,138, are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Any questions 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

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.

FACTOR & LAKE, LTD
1327 W. WASHINGTON BLVD.
SUITE 5G/H
CHICAGO IL 60607

COPY MAILED

NOV 2 0 2007

OFFICE OF PETITIONS

In re Application of
Stephen Warren and Steven Hamilton
Application No. 11/900,175
Filed: September 10, 2007
Attorney Docket Number: IOM-P040DV01
Title: METHODS FOR TREATING NEOPLASTIC, ANGIOGENIC, FIBROBLASTIC, AND/OR IMMUNOSUPPRESSIVE OCULAR IRREGULARITIES VIA ADMINISTRATION OF METHOTREXATE BASED MEDICAMENTS, AND OCULAR IONTOPHORETIC DEVICES FOR DELIVERING METHOTREXATE BASED MEDICAMENTS

DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the petition under 37 C.F.R. § 1.47(a)[1], filed September 10, 2007.

---

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

On September 10, 2007, the application was filed, identifying Stephen Warren and Steven Hamilton as joint inventors. The present petition was included on filing, along with a declaration that was executed by Mr. Warren.

This application is a division of 10/707,793. It is noted that the declaration that Petitioner has provided concurrently with this petition is a copy of that which was originally filed in the parent application.

The electronic record has been reviewed, and it is clear that a petition pursuant to 37 C.F.R. § 1.47(a) was granted in this parent application, accepting the parent application without the signature of Mr. Hamilton. However, Petitioner has failed to submit a copy of the decision granting the petition to accord Rule § 1.47 status to the prior application, as is required by 37 C.F.R. §1.63(d)(3)((3)(i).

The requirements of 37 C.F.R. §1.63(d)(3)((3)(i) are hereby waived, *sua sponte*.

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 Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

---

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.

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

LEFEVOUR LAW GROUP, LLC
4365 LAWN AVE
SUITE 5
WESTERN SPRINGS IL 60558

COPY MAILED

MAR 0 5 2008

OFFICE OF PETITIONS

In re Application of	:	
ARANDA, Michael	:	
Application No. 11/900,229	:	DECISION ON PETITION
Filed: September 11, 2207	:	TO WITHDRAW
Attorney Docket No. **220-002US**	:	FROM RECORD
	:	

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 07, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, no longer represents, does not meet of any the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary

evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MICHELL SIDE, ESQ.**
EH BUILDING GROUP
4227 NORTHLAKE BOULEVARD
PALM BEACH GARDENS, FL 33410

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

LEFEVOUR LAW GROUP, LLC
4365 LAWN AVE
SUITE 5
WESTERN SPRINGS IL 60558

COPY MAILED

JUN 0 5 2008

OFFICE OF PETITIONS

In re Application of

ARANDA, Michael
Application No. 11/900,229
Filed: September 11, 2007
Attorney Docket No. **220-002US**

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 **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Martin Lefevour, the sole attorney of record. Marin Lefevour has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the 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: **MICHAEL ARANDA**
4227 NORTHLAKE BLVD.
PALM BEACH GARDENS, FL 33410

cc: **MICHELLE SIDES, ESQ., EH BUILDING GROUP**
4227 NORTHLAKE BOULEVARD
PALM BEACH GARDENS, FL 33410

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

BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO IL 60610

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Hoffman, et al.	:	
Application No. 11/900,231	:	DECISION GRANTING PETITION
Filed: September 11, 2007	:	
Attorney Docket No. 8627/1713	:	

This is a decision on the petition, filed November 6, 2007, to accord the above-identified application a filing date of September 11, 2007, with Figure 10A-10D of the drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on September 11, 2007. However, on September 25, 2007, the Initial Patent Examination Division mailed applicants a "Notice to File Missing Parts of Nonprovisional Application." Applicants were instructed to submit an executed oath or declaration. In addition, applicants were notified the application papers had been accorded a filing date of September 11, 007; however, Figures 10A-10D of the drawings appeared to have been omitted.

In response, applicant filed the present petition. Applicant has submitted an executed declaration, together with a postcard receipt identifying the application, itemizing drawings, including 14 sheets of drawings as enclosed, and bearing a USPTO date stamp of September 11, 2007.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1]

In view of the above, the petition is **GRANTED**.

Given the basis for granting this petition, the $400 petition fee will be refunded to petitioner under separate cover.

The application is being returned to the Office of Patent Application Processing for further processing, using the application papers filed September 11, 2007, and Figures 10A-10D, of the drawings as re-supplied with the instant petition, and for indication in Office records that fourteen (14) sheets of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

[1] See MPEP 503.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

DEC 14 2009

OFFICE OF PETITIONS

TRIANGLE PATENTS, PLLC
P.O. BOX 28539
RALEIGH, NC 27611-8539

In re Application of	:	
Ronald B. Willis et al	:	
Application No. 11/900,260	:	DECISION ON PETITION
Filed: September 11, 2007	:	TO WITHDRAW
Attorney Docket No. 4010-002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 9, 2009.

The request is **APPROVED**.

The request was signed by JiNan Glasgow on behalf of the practitioners who are associated with Customer No. 64843.

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 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: Ronald B. Willis
4317 Summer Brook Drive
Apex, NC 27539

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
11/900,260	09/11/2007	Ronald B. Willis	4010-002

CONFIRMATION NO. 2449

POWER OF ATTORNEY NOTICE

64843
TRIANGLE PATENTS, P.L.L.C.
P.O. BOX 28539
RALEIGH, NC 27611-8539

OC000000039131385

Date Mailed: 12/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/09/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/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
11/900,260	09/11/2007	Ronald B. Willis	4010-002

CONFIRMATION NO. 2449

POA ACCEPTANCE LETTER

Ronald B. Willis
4317 Summer Brook Drive
Apex, NC 27539

OC000000039131436

Date Mailed: 12/14/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/09/2009.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

COPY MAILED

JUN 09 2008

In re Application of	:	
HILBERT, Stuart	:	
Application No. 11/900,265	:	DECISION ON PETITION
Filed: September 11, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **13107/5**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 13, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Stuart Hilbert, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3700.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 3781 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mark Manley
5205 W 32nd
Sedalia MO 65301

COPY MAILED

OCT 0 9 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of
Cox
Application No. 11/900,305
Filed: September 10, 2007
Attorney Docket No. N/A
For: CARD GAME COMBINING ONLINE AND DECK GAMES

This is a decision on the petition under 37 CFR 1.137(b), filed June 13, 2008, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers, mailed September 27, 2007, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on November 28, 2007. A Notice of Abandonment was mailed on June 3, 2008.

Applicant has submitted a proper reply to the September 27, 2007 Notice in the form of replacement drawings and a preliminary amendment to the specification, an acceptable statement of the unintentional nature of the delay in responding to the September 27, 2007 Notice, and the $770.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE #700
7TH FLOOR
SAN DIEGO, CA 92122

COPY MAILED

JAN 0 5 2009

OFFICE OF PETITIONS

In re Application of	:	
David J. Fitzgerald	:	
Application No. 11/900,306	:	DECISION ON PETITION
Filed: September 10, 2007	:	TO WITHDRAW
Attorney Docket No. WAM-1008	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 10, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Heller Ehrman, LLP has been revoked by the assignee of the patent application on October 31, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: GOODWIN PROCTER, LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WESTMAN CHAMPLIN & KELLY, P.A.
900 SECOND AVENUE SOUTH, SUITE 1400
MINNEAPOLIS MN 55402-3319

COPY MAILED

OCT 0 1 2007

OFFICE OF PETITIONS

In re Application of :
WERNER, Frank :
Application No. 11/900,324 :
Filed: September 11, 2007 :
Attorney Docket No. **028.12-0050** :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed September 11, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the affidavit of inventor Frank D. Werner, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Initial Patent Examination.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Monica A. Graves
Petitions Examiner
Office of Petitions

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

HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO NY 14202-4040

COPY MAILED

OCT 2 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Prasad, et al.	:	
Application No. 11/900,334	:	ON PETITION
Filed: September 10, 2007	:	
Attorney Docket No. 011520.00647	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 6, 2008.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-identified application became abandoned for failure to timely respond to the Notice to File Missing Parts mailed December 13, 2007. This Notice set an extendable period for reply of two (2) months for applicants to submit an oath or declaration, a $65 surcharge for its late filing, and replacement drawings. No response having been received, the application became abandoned on February 14, 2008. A Notice of Abandonment was mailed on August 22, 2008.

With the instant petition, petitioner has submitted a copy of a docket report showing all of his replies docketed for a due date of February 13, 2008. An entry for the instant application is absent, supporting the conclusion that the Notice of Allowance was not received.

In view thereof, the holding of abandonment is **WITHDRAWN**.

Receipt of the declaration, $65 surcharge, and replacement drawings is acknowledged.

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

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

Ober, Kaler, Grimes & Shriver
120 East Baltimore Street
Baltimore MD 21202-1643

In re Application of	:	
WHITT, ROBERT	:	
Application No.: 11/900354	:	DECISION ON
Filing or 371(c) Date: September 11, 2007	:	PETITION
Attorney Docket Number: **027744.077635**	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed April 8, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance, mailed December 16, 2009.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756 - 1499.

Kendrick Sprull
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
www.uspto.gov

MICHAEL J. COLITZ, JR.
640 Douglas Avenue
DUNEDIN FL 34698

COPY MAILED

OCT 12 2007

OFFICE OF PETITIONS

In re Application of	:	
Gerald P. Mazza	:	
Application No. 11/900,362	:	DECISION ON PETITION
Filed: September 11, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. MJ01/01	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 11, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's 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 3682 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

LAW OFFICE OF DALE B. HALLING, LLC
655 SOUTHPOINTE COURT, SUITE 100
COLORADO SPRINGS, CO 80906

COPY MAILED

NOV 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Ernest Feiler et al.	:	
Application No. 11/900,366	:	DECISION ON PETITION
Filed: September 11, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. SPL0701CIP	:	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 photocopy of applicant's driver's license and a statement from by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

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 3763 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
www.uspto.gov

TRIANGLE PATENTS, PLLC
P.O. BOX 28539
RALEIGH, NC 27611-8539

COPY MAILED

DEC 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Ronald B. Willis et al	:	
Application No. 11/900,384	:	DECISION ON PETITION
Filed: September 11, 2007	:	TO WITHDRAW
Attorney Docket No. 4010-001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 9, 2009.

The request is **APPROVED**.

The request was signed by JiNan Glasgow on behalf of the practitioners who are associated with Customer No. 64843.

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 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: Ronald B. Willis
4317 Summer Brook Drive
Apex, NC 27539

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
11/900,384	09/11/2007	Ronald B. Willis	4010-001

CONFIRMATION NO. 1902

POWER OF ATTORNEY NOTICE

64843
TRIANGLE PATENTS, P.L.L.C.
P.O. BOX 28539
RALEIGH, NC 27611-8539

OC000000039150792

Date Mailed: 12/14/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/09/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/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
11/900,384	09/11/2007	Ronald B. Willis	4010-001

CONFIRMATION NO. 1902

POA ACCEPTANCE LETTER

Ronald B. Willis
4317 Summer Brook Drive
Apex, NC 27539

OC000000039150847

Date Mailed: 12/14/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/09/2009.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Charles Walter COFFMAN II	:	
Application No. 11/900,404	:	DECISION ON PETITION
Filed: September 11, 2007	:	TO WITHDRAW
Attorney Docket No. 10174-1	:	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 June 1, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Sprinkle IP Law Group, has been revoked by the applicant of the patent application on May 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will 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: AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

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.
11/900,422	09/11/2007	Munetake Ebihara	S1459.70371US00	2243

7590 09/02/2009
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

EXAMINER
BEHARRY, NOEL R

ART UNIT	PAPER NUMBER
2446	

MAIL DATE	DELIVERY MODE
09/02/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

[illegible]
[illegible] Name/Number: [illegible]
FC: [illegible] $[illegible]

Adjustment date: 09/02/2009 BPOWELL
09/13/2007 [illegible] 11900422
02 FC:1111 -5[illegible]0.00 OP
04 FC:1202 -650.00 OP
0[illegible] FC:120[illegible] -1200.00 OP

FORM PET651G (Rev. 08/07)

Repln. Ref: 09/02/2009 BPOWELL 0009152000
DA#:232825 Name/Number:11900422
FC: 9204 $2350.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CONRAD O. GARDNER
BOX 1359
BLAINE, WA 98231

COPY MAILED

NOV 03 2008

OFFICE OF PETITIONS

In re Application of

GARDNER, Conrad O.
Application No. 11/900,462
Filed: September 10, 2007
Attorney Docket No. **95-004 CONT.**

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 24, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the statement of inventor Conrad Oliver Gardner, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3600.

Inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center AU 3611 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EDWARD P. KIERNAN
3515 SOUTH RESERVE DRIVE
PHILADELPHIA, PA 19145

COPY MAILED

AUG 10 2009

OFFICE OF PETITIONS

In re Application of
Anthony S. RACHUBA IV, et al.
Application No. 11/900,483
Filed: September 12, 2007
Attorney Docket No. **2007-0012-01**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 2, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Edward P. Kiernan, the sole attorney of record. Edward P. Kiernan has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor at the address below until otherwise properly notified by the applicant.

There is an outstanding non-final Office action mailed May 29, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **ANTHONY RACHUBA, IV**
84 TRAFALGAR ROAD
DOYLESTOWN, PA 18901

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

JACKSON WALKER, L.L.P.
112 E. PECAN, SUITE 2400
SAN ANTONIO, TX 78205

Mail Date: 04/20/2010

Applicant	: Karl A. Senghaas	: DECISION ON REQUEST FOR
Patent Number	: 7584656	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/900,489	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

C. JAMES BUSHMAN
5718 WESTHEIMER, SUITE 1800
HOUSTON TX 77057

In re Application of	:	
KWETKAT et al.	:	
Application No. 11/900,510	:	ON PETITION
Filed: 09/12/2007	:	
Attorney Docket No. Muller-25-2	:	

This is a decision on the petition under 37 CFR 1.137(a), filed September 22, 2008, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply to the non-final Office action mailed March 13, 2008, which set a three-month shortened statutory period for reply (i.e. on or before Monday, September 15, 2008, with a request for an extension of time within the third month). On September 22, 2008, the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply; (2) the petition fee; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

Om September 22, 2008, petitioner paid a $1,050.00 fee for an extension of time for response within the third month. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,050.00 extension of time fee was paid after the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application is being referred to Technology Center Art Unit 1796.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA CA 92881

COPY MAILED

JUL 23 2008

In re Application of	:	
Frank B. Ioimo, et al.	:	
Application No. 11/900,512	:	DECISION ON PETITION
Filed: September 13, 2007	:	TO WITHDRAW
Attorney Docket No. FI01-02U	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 3, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys and/or agents of record were not appointed by customer number 502710, they were appointed by customer number 37038. Therefore, customer number 502710 cannot be used to withdraw the attorneys and/or agents.

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
Petitions Examiner
Office of Petitions

cc: **Frank B. Ioimo**
13358 Kamelia Street
Corona, CA 92880

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

Buhler Associates
Buhler, Kirk A.
1101 California Avenue
Suite 208
Corona, CA 92881

COPY MAILED

SEP 1 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Frank B Ioimo	:	
Application No. 11/900,512	:	DECISION ON PETITION
Filed: September 13, 2007	:	TO WITHDRAW
Attorney Docket No. FI01-02U	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 25, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Kirk A. Buhler on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Frank B. Ioimo at the address indicated below.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Frank B. Ioimo**
13358 Kamelia Street
Corona, CA 92881

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
11/900,512	09/13/2007	Frank B. Ioimo	FI01-02U

CONFIRMATION NO. 2751

POWER OF ATTORNEY NOTICE

37038
BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

OC000000032042767

Date Mailed: 09/12/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/25/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DERGOSITS & NOAH LLP
FOUR EMBARCADERO CENTER, SUITE 1450
SAN FRANCISCO CA 94111

COPY MAILED

JAN 15 2008

OFFICE OF PETITIONS

In re Application of	:	
WRIGHT, CHRISTOPHER	:	
Application No. 11/900,539	:	DECISION REFUSING STATUS
Filed: 09/11/2007	:	UNDER 37 CFR 1.47(b)
Attorney Docket No. 825.10	:	
Title: INDEPENDENTLY-ADDRESSABLE	:	
CELLULAR WIRELESS DIGITAL	:	
NETWORK-BASED FAX MACHINE	:	

This is in response to the petition under 37 CFR 1.47(b), filed October 3, 2007.

The petition is **DISMISSED**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the legal representative on behalf of the deceased 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.

Applicants lack items (1), (2), (4) and (5) set forth above.

As to item (1), applicants stated that the sole inventor, Christopher Wright, is deceased. The Office notes that 37 CFR 1.47 applies where a known legal representative of an inventor cannot be found or reached after diligent effort, or refuses to make an application. However, if the legal representative executes the declaration on behalf of the deceased inventor, a petition under 37 CFR 1.47(a) is unnecessary.

If the inventor is deceased, the legal representative of the inventor may make the necessary oath or declaration, and apply for and obtain the patent. See 35 U.S.C. § 117; 37 CFR 1.42, 1.43, 1.47. If the legal representative cannot be reached or refused to join in the filing of the application, 35 U.S.C. §§ 116 (where the inventor is a joint inventors) and 118 (where the deceased inventor was the sole inventor) apply. See MPEP 409.01(a). There is no provision for the circumstance where an applicant cannot identify a legal representative. Normally, a widow or widower of a deceased inventor is the legal representative of the deceased inventor. Applicants should confer with an attorney knowledgeable in estate laws in the relevant jurisdiction.

In this instance, applicants have failed to identify the legal representative of Mr. Wright. Furthermore, applicants have not established if the legal representative of the deceased inventor has refused to join in the filing of the above-identified application (after having been presented with a complete copy of the application papers) or cannot be located after diligent efforts.

Once applicants have identified the legal representative, applicants should mail a complete copy of the application papers and declaration to the legal representative at his residence by return receipt requested. Applicants should include a cover letter of instructions, setting forth a deadline or a statement that no response will constitute a refusal. This lends support to a finding of refusal by conduct. If the legal representative does not respond or refuses to accept the papers or if the papers are returned to applicants, then applicants will have established that the legal representative 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. Whenever a legal representative gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration. When it is concluded by applicants that the legal representative'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.

As to item (2), applicants did not submit a declaration in compliance with 35 U.S.C. §§ 115 and 116. Pursuant to MPEP 409.03(b)(A):

> The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP Section 324. 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).

With the present petition, applicant did not submit a proper declaration,[1] which identified the sole inventor (deceased) or the legal representative[2] by full name, residence, post office address, and citizenship, and signed by an appropriate person. A Declaration Supplemental Sheet for Legal Representatives on Behalf of a Deceased Inventor Form accompanies this decision for applicants' convenience.

As to item (4), applicants did not set forth the last known address of the legal representative. See MPEP 409.03(e).

As to item (5), applicants did not submit a statement under 37 CFR 3.73(b). The Office notes that if the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP 324).

---

[1] The Office notes that it is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the declaration, after the applicant has executed the declaration. See MPEP 605.04(a).

[2] If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

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

Applicants may also submit correspondence regarding this decision via the USPTO's Electronic Filing System.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure (1)

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

DERGOSITS & NOAH LLP
FOUR EMBARCADERO CENTER, SUITE 1450
SAN FRANCISCO CA 94111

COPY MAILED

APR 14 2008

OFFICE OF PETITIONS

In re Application of :
Christopher Wright :
Application No. 11/900,539 :
Filed: 09/11/2007 :
Attorney Docket No. 825.10 :

DECISION ON PETITION

This is a decision on the renewed petition, filed March 7, 2008, requesting, in effect, that the petition under 37 CFR 1.47(b), filed on October 3, 2007, be withdrawn in view of the signature on the accompanying declaration under 37 CFR 1.63 of the legal representative of the deceased inventor's estate under 37 CFR 1.42.

The petition is **DISMISSED**. Applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The declaration is defective because it does not identify the deceased inventor by name. Additionally, the legal representative of the decedent improperly affixed his name in the deceased inventor's signature block. Applicant may wish to modify the Declaration and Power of Attorney to state: "Sole Inventor Christopher Wright (deceased), late a citizen of the United States and resident of_____, Legal Representative Joseph H. Wright III (Brother), citizen of the United States and resident of 865 Ten Rod Road, North Kingston, RI 02852." The legal representative should sign his name in his signature block. The space for the deceased inventor's signature must remain blank. Applicant must submit a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 with any renewed petition.

If the legal representative who executed the original declaration refuses or cannot be found to execute the required supplemental declaration, the requirement for the legal representative to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. The party with sufficient proprietary interest must sign the supplemental declaration on behalf of the non-signing legal representative. See MPEP 409.03(b) and 603. A $400.00 fee is required upon filing a petition under 37 CFR 1.183.

Inquiries regarding this communication may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
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

DERGOSITS & NOAH LLP
FOUR EMBARCADERO CENTER, SUITE 1450
SAN FRANCISCO CA 94111

COPY MAILED

JUL 1 0 2008

OFFICE OF PETITIONS

In re Application of	:DECISION NOTING JOINDER OF
Christopher Wright	:INVENTOR'S LEGAL REPRESENTATIVE
Application No. 11/900,539	:AND PETITION AS MOOT
Filed: 09/11/2007	:
Attorney Docket No. 825.10	:

This is a decision on the renewed petition filed July 7, 2008, requesting, in effect, that the petition under 37 CFR 1.47(b), filed on October 3, 2007, be withdrawn in view of the signature on the accompanying declaration under 37 CFR 1.63 of the legal representative of the deceased inventor's estate under 37 CFR 1.42.

The petition is DISMISSED as moot.

In view of the joinder of the legal representative of the deceased inventor, further consideration under 37 CFR 1.47(b) is moot, this application does not have any rule 1.47(b) 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(b).

This application is being referred to the Office of Patent Application Processing.

Inquiries regarding this communication may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 04/21/2010

Applicant	: Philip David Bolton	: DECISION ON REQUEST FOR
Patent Number	: 7591861	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/900,559	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **44** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

MAILED

MAY 13 2010

OFFICE OF PETITIONS

JAY Y. CHIU
16148 SABD CANYON AVENUE
IRVINE, CA 92618

In re Application of
Shungho Chang
Application No. 11/900,562
Filed: September 11, 2007
Attorney Docket No. 27035.00.01

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 22, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner of 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, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (Form PTO/SB/83).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to 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

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

VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

MAILED

APR 2 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Anup Bhalla, et al.	:	
Application No. 11/900,616	:	DECISION GRANTING PETITION
Filed: September 11, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. ALPHP004C1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 17, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 6, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2895 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TAROLLI, SUNDHEIM, COVELL
& TUMMINO, L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND, OH 44114

MAILED

FEB 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Kenneth C. ZISKA, et al	:	
Application No. 11/900,711	:	DECISION ON PETITION
Filed: September 13, 2007	:	TO WITHDRAW
Attorney Docket No. S105-8812		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 15, 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 26294, as indicated.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: STEVEN A. HAMP
3135 WEST 98TH STREET
CLEVELAND, OH 44102

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

TAROLLI, SUNDHEIM, COVELL
& TUMMINO, L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

COPY MAILED

MAR 1 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Kenneth C. ZISKA, et al	:	
Application No. 11/900,711	:	DECISION ON PETITION
Filed: September 13, 2007	:	TO WITHDRAW
Attorney Docket No. s105-8812	:	FROM RECORD
	:	

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 Calvin G. Covell on behalf of the attorneys of record Robert B. Sundheim; Barry L. Tummino; James L. Tarolli; Richard S. Wesorick; Richard A. Sutkus; Matthew M. Shaheen; Gary J. Pitzer; and Christopher P. Harris.

The attorneys of record identified above 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 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: KENNETH C. ZISKA
539 HAZEL PLACE, 2ND FLOOR
AKRON, OH 44308

cc: STEVEN A. HAMP
3135 WEST 98TH STREET
CLEVELAND, OH 44102

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

KLEMCHUK KUBASTA LLP
8150 N CENTRAL EXPRESSWAY
SUITE 1150
DALLAS, TX 75206

MAILED

MAR 24 2010

OFFICE OF PETITIONS

In re Application of
Theodore W. CROFFORD
Application No. 11/900,720
Filed: September 13, 2007
Attorney Docket No. 1090.0002

DECISION ON PETITION

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**.

This application became abandoned for failure to timely pay the issue fees on or before March 15, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed December 15, 2009. Accordingly, the date of abandonment of this application is March 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee and publication fee of $1055.00 (2) the petition fee of $810.00; 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 petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future

correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0602.

This application is being referred to Publishing Division for processing into a patent.

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

MAILED

MAY 24 2010

OFFICE OF PETITIONS

EDELL SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD, SUITE 400
ROCKVILLE, MD 20850

In re Application of
Scott Ellard et al
Application No. 11/900,769
Filed: September 13, 2007
Attorney Docket No. INIT1190-1

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 April 1, 2010.

The request is **APPROVED**.

A review of the file record indicates that Ari G. Akman: (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, Ari G. Akman 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: Ari G. Akman
Sprinkle IP Law Group
1301 W. 25th Street
Suite 408
Austin, TX 78705

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
11/900,769	09/13/2007	Scott Ellard	INIT1190-1

CONFIRMATION NO. 3655

POWER OF ATTORNEY NOTICE

44654
SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

OC000000041750415

Date Mailed: 05/24/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/17/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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
11/900,769	09/13/2007	Scott Ellard	INIT1190-1

CONFIRMATION NO. 3655

POA ACCEPTANCE LETTER

46157
EDELL, SHAPIRO, & FINNAN, LLC
1901 RESEARCH BOULEVARD, SUITE 400
ROCKVILLE, MD 20850

OC000000041750479

Date Mailed: 05/24/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/17/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

UNIVATION TECHNOLOGIES LLC
5555 SAN FELIPE, SUITE 1950
HOUSTON TX 77056

COPY MAILED

AUG 1 8 2008

OFFICE OF PETITIONS

In re Application of

Tae Hoon Kwak

Application No. 11/900,863

Filed: September 13, 2007

Attorney Docket No. 2003US044.US.D1

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed July 22, 2008.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on April 12, 2008, after it was believed that no response was received to the non-final Office action mailed January 11, 2008. The non-final Office action allowed a period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on July 16, 2008, indicating that a reply to the non-final Office action was not received.

The instant petition maintains that an amendment responsive to the non-final Office action was transmitted via facsimile on April 11, 2008. A copy of the amendment containing a certificate of transmission under 37 CFR 1.8 dated April 11, 2008, accompanied the petition.

Section 711.03(c) of the *Manual of Patent Examining Procedure* provides, in pertinent part, that:

> Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the

> actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

Ms. Jacqueline Jackson signed the certificate of transmission under 37 CFR 1.8, but no statement of personal knowledge from Ms. Jackson accompanied the petition. A copy of the Auto-Reply facsimile transmission sheet generated by the USPTO noting that twelve pages were transmitted to the USPTO on April 11, 2008, accompanied the petition. The evidence is, therefore, convincing that the amendment was timely transmitted and lost by the Office.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly. No petition fee is due.

The application file is being forwarded Technology Center 1700, GAU 1796 for further processing, including treatment of the amendment first filed April 11, 2008, and in duplicate on July 22, 2008.

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
DIW Aug-08

GEORGE PAPPAS
919 S. HARRISON STREET, SUITE 300
FORT WAYNE IN 46802

COPY MAILED
AUG 1 1 2008

In re Application of	:	
Kimmie McGinnis	:	
Application Number: 11/900878	:	ON PETITION
Filing Date: 09/13/2007	:	
Attorney Docket Number: UP-360	:	

This is a decision on the petition filed on June 12, 2008, under 37 CFR 1.137(a),[1] and in the alternative, under 37 CFR 1.137(b), revive the above-identified application.

The petition is **dismissed.**

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)" or as discussed below "Renewed Petition under 37 CFR 1.137(b)."

---

[1] A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application became abandoned on November 29, 2007, for failure to timely file a response to the Notice to File Corrected Application Papers mailed on September 28, 2007, which set a two (2) month shortened period for reply. Notice of Abandonment was mailed on June 3, 2008.

Petitioners assert that the Notice to File Corrected Application Papers was received in the same envelope, and stapled to the back of the Filing Receipt. Petitioners further assert that counsel's secretary received the papers, but did not notice the Notice to File Corrected Application Papers stapled to the back of the Filing Receipt.

Petitioners have provided a declaration by counsel's secretary, Jodie Frecker, stating, in pertinent part:

> 5. Upon receipt of the Patent Office filing receipt for the above-identified application, I date stamped, reviewed the title, filing date, inventor names, etc., for accuracy and physically filed the receipt in the office file.
>
> 6. I did not notice to Notice to File Corrected Application Papers which was apparently stapled together and at the back of the filing receipt and physically filed it in the office file with the filing receipt without docketing it for response and without presenting it to Mr. Pappas.
>
> 7. I do not recall ever before not noticing and, thus, not docketing a needed response to a Patent Office paper.
>
> 8. Because the Notice to File Corrected Application Papers was physically filed away in the office file, it was not noticed and was not discovered until last Friday, June 6, 2008, when the Notice of Abandonment was received.

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable".[2] Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[3]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[4] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[5]

Petitioners' arguments have been considered, but are not persuasive. The showing of record is that, rather than unavoidable delay, counsel's secretary inadvertently failed to review all of the papers received from the Office. In this regard, it is noted that the Filing Receipt is three (3) pages

---

[2] 35 U.S.C. § 133.

[3] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[4] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

[5] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

and the Notice To File Corrected Application Papers is two (2) pages. If all of the pages had been reviewed, counsel's secretary would have noticed that the Notice to File Corrected Application Papers needed to be docketed for a reply, and have docketed the Notice accordingly.

Furthermore, this is not an instance of docketing error because the Notice to File Corrected Application Papers was not clearly entered in counsel's docketing system because it was overlooked.

While this is an unfortunate error, the showing of record is that the delay occurred because of an inadvertent error on the part of petitioners in failing to read all correspondence from the Office rather than from unavoidable delay.

The U.S. Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions.[6] Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. § 133.[7]

In summary, the showing of record is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). As petitioners have not shown that they exercised the standard of care observed by a reasonable person in the conduct of his or her most important business, the petition will be dismissed.[8]

PETITION UNDER 37 CFR 1.137(b)

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after 8 June, 1995, and abandoned for failure to

---

[6] Link v. Wabash, 370 U.S. 626, 633-34 (1962).

[7] Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N. D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891).

[8] See note 3, supra.

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 petition lacks item (2). The required petition fee has not been included. The PTO will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.[9] Any petition filed must be accompanied by the fee required by law.

In this regard, petitioners requested that the petition fee be charged to counsel's deposit account. As of August 11, 2008, however, the balance in the deposit account is $1,429.00. The fee due, however, is $1,540.00. The deposit account, as such, contains insufficient funds to charge the petition fee.

37 CFR 1.25(a) states, in pertinent part that an amount sufficient to cover all fees, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted.

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

---

[9] See Krahn v. Comm'r, 15 USPQ2d 1823, 1825 (E.D. Va. 1990).

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DIWood

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 Aug-08

GEORGE PAPPAS
919 S. HARRISON STREET, SUITE 300
FORT WAYNE IN 46802

COPY MAILED
AUG 25 2008

In re Application of	:	
Kimmie McGinnis	:	
Application Number: 11/900878	:	ON PETITION
Filing Date: 09/13/2007	:	
Attorney Docket Number: UP-360	:	

This is a decision on the renewed petition under 37 CFR 1.137(b)[1] filed on August 14, 2008.

The petition is **GRANTED**.

The application became abandoned on November 29, 2007, for failure to timely file a response to the Notice to File Corrected Application Papers mailed on September 28, 2007, which set a two (2) month shortened period for reply. Notice of Abandonment was

---

[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)).

mailed on June 3, 2008. On June 12, 2008, a petition under 37 CFR 1.137(a) and (b) was filed. On August 11, 2008, the petition was dismissed.

Receipt of the petition fee filed with the subject renewed petition is acknowledged.

Receipt of the response filed on June 12, 2008 to the Notice to File Missing Parts, is acknowledged.

The application will be referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

Erickson Law Group, PC
1749 S. NAPERVILLE ROAD
SUITE 202
WHEATON, IL 60189

Mail Date: 04/20/2010

Applicant	: Glenn Sandberg	: DECISION ON REQUEST FOR
Patent Number	: 7591644	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/900,923	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAMILTON BROOK SMITH & REYNOLDS PC
530 VIRGINIA ROAD
PO BOX 9133
CONCORD MA 01742-9133

COPY MAILED

MAY 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Yates, et al.	:	
Application No. 11/900,931	:	DECISION REFUSING STATUS
Filed: September 13, 2007	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 3336.1028-001	:	

This is in response to the petition under 37 CFR 1.47(a), filed April 18, 2008.

The petition under 37 CFR 1.47(a) is **DISMISSED** as moot.

Petitioner has filed the instant petition to have inventors John Yates and and Michael Sporer sign the declaration on behalf of themselves and Sharon Miller. According to petitioner, Miller did not sign the declaration.

However, petitioner has submitted a 37 CFR 1.63 declaration executed by Sharon Miller. As such, no petition under 37 CFR 1.47(a) is needed. The $200 petition fee is being refunded to petitioner under separate cover.

The matter is being forwarded to the Office of Patent Application 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

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

COPY MAILED
NOV 14 2008

In re Application of
Randy J. CAPLAN et al
Application No. 11/900,971
Filed: September 14, 2007
Attorney Docket No. PA4344US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 27, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Customer Number 22830, the above identified has been revoked by the assignee, Mosaid Technologies Corporation, of the patent application on August 04, 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 new correspondence address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to K. Reichle at 571-272-6051.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Gregory W. Osterloth
Holland & Hart, LLP
P.O. Box 8749
Denver, CO 80201

COPY MAILED

DEC 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Raffi Garabedian, et. al.	:	
Application No. 11/901,014	:	DECISION GRANTING
Filed: September 14, 2007	:	PETITION
Attorney Docket No. 042543-0365178	:	

This is a decision on the petition filed October 16, 2009, requesting withdrawal of the holding of abandonment in the above-identified application.

This application was held abandoned for failure to timely respond to the non-final Office action mailed March 12, 2009. A Notice of Abandonment was mailed on September 28, 2009.

Petitioner argues "applicant had until Monday, September 14, 2009, to respond. On this date, applicant's undersigned representative filed a response by the US first class mail and used the certificate of mailing procedure provided by 37 CFR 1.8. OIPE marked applicant's response "received" on September 18, 2009, as reflected on the return postcard copy submitted herewith."

A review of the record shows that the Office received a Transmittal Letter For Response/Amendment, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) of, inter alia, a response/amendment, new fee as calculated below for a three month extension of time in the amount of $1,110 filed on September 18, 2009. However, it is noted that the response contains a Certificate of Mailing under 37 CFR 1.8 dated September 14, 2009. Therefore, the response filed by Certificate of Mailing on September 14, 2009 is accepted as being timely filed.

In view of the above, the petition is **granted** and the holding of abandonment is hereby withdrawn and the application restored to pending status.

This application file is being referred to Technology Center Art Unit 2829 for review of the response filed on September 18, 2009.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Heller Ehrman LLP
4350 La Jolla Village Drive, #700
7th Floor
San Diego, CA 92122

COPY MAILED
NOV 2 6 2008

In re Application of	:	
David J. Fitzgerald	:	
Application No. 11/901,025	:	DECISION ON PETITION
Filed: September 14, 2007	:	TO WITHDRAW
Attorney Docket No. 44351-1001C1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 10, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Heller Ehrman LLP has been revoked by the assignee of the patent application on November 20, 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: **Goodwin Procter LLP**
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

OCT 09 2009

OFFICE OF PETITIONS

GOODWIN PROCTER, LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

In re Application of	:	
David J. Fitzgerald	:	
Application No. 11/901,025	:	DECISION ON PETITION
Filed: September 14, 2007	:	TO WITHDRAW
Attorney Docket No. WAM-1001 C1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Fox on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed September 4, 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: **Wham-O, Inc.**
5903 Christie Avenue
Marketing Dept.
Emeryville, CA 94608

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
11/901,025	09/14/2007	David J. Fitzgerald	WAM-1001 C1

CONFIRMATION NO. 4963

POWER OF ATTORNEY NOTICE

77845
Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

OC000000038210289

Date Mailed: 10/09/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/22/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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

SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN TX 78705

COPY MAILED

MAR 1 3 2008

OFFICE OF PETITIONS

In re Application of
Stephens et al.
Application No. 11/901,040
Filed: 09/14/2007
Attorney Docket No. INIT1200-1
Title: HIERARCHY GLOBAL MANAGEMENT SYSTEM AND USER INTERFACE

ON PETITION

This is in response to the petition under 37 CFR 1.47(a), filed February 5, 2008.

On October 5, 2007, the Office mailed applicants a Notice to File Missing Parts of Nonprovisional Application ("Notice"), which set an extendable period of two (2) months to reply to avoid abandonment of the above-identified application. This two-month period could be extended up to an additional five months pursuant to 37 CFR 1.136(a) (i.e. on or before May 5, 2008, with a request for an extension of time and fee). The Notice indicated that the declaration was missing the signatures of inventors, *James B. Cushman II, Joaquim Neto, and Michael Scotece*. Additionally, the Notice required replacement drawings in compliance with 37 CFR 1.84 and 1.121(d) and a surcharge.

On February 5, 2008, applicants filed the present petition, a declaration without the signature of inventor Scotece, a request for an extension of time for response within the second month and fee, a surcharge, and replacement drawings. The Office notes that the present petition and the request for extension of time included the "digital signature" of patent practitioner, Katharina Wang Schuster.

The Office cannot accept the petition under 37 CFR 1.47(a) because Ms. Schuster failed to comply with the signature requirement set forth in 37 CFR 1.4(d).

37 CFR 1.4(d) provides, in pertinent part:

> (1) Handwritten signature. Each piece of correspondence, except as provided in paragraphs (d)(2), (d)(3), (e) and (f) of this section, filed in an application, patent file, or other proceeding in the Office which requires a person's signature, must:
>
> (i) Be an original, that is, have an original handwritten signature personally signed, in permanent dark ink or its equivalent, by that person; or
>
> (ii) Be a direct or indirect copy, such as a photocopy or facsimile transmission (§ 1.6(d)), of an original. In the event that a copy of the original is filed, the original should be retained as evidence of authenticity. If a question of authenticity arises, the Office may require submission of the original.
>
> (2) S-signature. An S-signature is a signature inserted between forward slash marks, but not a handwritten signature as defined by § 1.4(d)(1). An S-signature includes any signature made by electronic or mechanical means, and any other mode of making or applying a signature not covered by a handwritten signature of § 1.4(d)(1). Correspondence being filed in the Office in paper, by facsimile transmission as provided in § 1.6(d), or via the Office electronic filing system as an attachment as provided in § 1.6(a)(4), for a patent application, patent, or a reexamination proceeding may be S-signature signed instead of being personally signed (i.e., with a handwritten signature) as provided for in paragraph (d)(1) of this section. The requirements for an S-signature under this paragraph (d)(2) of this section 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.

The following is an example a compliant (and acceptable) S-signature for a patent practitioner. Note: the example includes: (1) an S-signature followed by a comma and Reg. No. (2) between forward slash marks, and (3) a name below the line.

/John T. Smith, Reg. # 999999/
John T. Smith

The "digital signature" of Ms. Schuster does not meet the requirements of either a handwritten signature or S-signature, and thus, is unacceptable. As the present petition does not contain a proper signature as required by 37 CFR 1.4, the Office cannot address the present petition on its merits. Accordingly, the petition is dismissed.

The Office notes that the period for filing a reply to the Notice of Missing Parts of Nonprovisional Application continues to run from its mail date of October 5, 2007. Therefore, applicants must submit (1) a "renewed" petition signed by an appropriate person in compliance with 37 CFR 1.4 (or a declaration executed by the non-signing inventor) AND (2) a request for an extension of time for reply to the Notice to File Missing Parts of Nonprovisional Application and fee. As previously stated, applicants must respond no later than May 5, 2008, with an extension of time for response within the fifth month to avoid abandonment of the application.[1]

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

[1] The fee for a request for an extension of time for response within the fifth month is $1,115.00 less the $230.00 extension of time fee paid on February 5, 2008, for a total of $885.00. No additional fee is required for filing a "renewed" petition under 37 CFR 1.47(a).

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

Correspondence may also be submitted via EFS-Web.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Conferee: Anthony Knight, Supervisor

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

SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN TX 78705

COPY MAILED

MAY 1 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Stephens, Cushman, Neto, Scotece and Scott	:	
Application No. 11/901,040	:	ON PETITION
Filed: 09/14/2007	:	
Attorney Docket No. INIT1200-1	:	
Title: HIERARCHY GLOBAL	:	
MANAGEMENT SYSTEM AND USER	:	
INTERFACE	:	

This is in response to the petition under 37 CFR 1.47(a), filed March 21, 2008, and supplemented on April 10, 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 Michael Scotece, the non-signing inventor, constructively refused to join in the above-identified application after being presented with a complete copy of the application papers and declaration for his 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

COPY MAILED

MAY 1 3 2008

OFFICE OF PETITIONS

Michael Scotece
6315 W. Prickly Pear Tr.
Glendale AZ 85310

In re Application of	:	
Stephens, Cushman, Neto, Scotece and Scott	:	
Application No. 11/901,040	:	LETTER
Filed: 09/14/2007	:	
Attorney Docket No. INIT1200-1	:	
Title: Hierarchy Global Management System	:	
and User Interface	:	

Dear Mr. Scotece:

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).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN TX 78705

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Klaus Herz	: DECISION ON REQUEST FOR
Patent Number	: 7577512	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/901,066	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK NY 10023-7604

COPY MAILED

APR 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Oyanagi et al.	:	
Application No. 11/901,083	:	ON PETITION
Deposited: 09/14/2007	:	
Attorney Docket No. U 017014-8	:	

This is in response to the "PETITION UNDER 37 CFR 1.57(a) AND REPLY TO NOTICE" filed on February 21, 2008, requesting that the above-referenced application be accorded a filing date of September 14, 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 14, 2007. However, on December 19, 2007, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one composition claim and 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). The same practice has been followed in composition applications.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in

[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.

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 14, 2007 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to September 14, 2007**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed on February 21, 2008 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEWIS M. BRANDE
5976 FALLING TREE LANE
ALTA LOMA, CA 91737-2816

COPY MAILED

JUL 18 2008

In re Application of	:	
Steven Mason	:	
Application No. 11/901,168	:	ON PETITION
Filed: September 14, 2007	:	
Attorney Docket No. MASON003	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 27, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The petition must be signed by:

(1) An attorney or agent of record appointed in compliance with § 1.34(b);
(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or
(5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

The registration status for petitioner Lewis Brande (Reg. 39545) is currently listed as "ADMIN SUSPENDED" in the U.S. Patent and Trademark Office (USPTO) database. USPTO employees are forbidden to hold either oral or written communication with an attorney or agent who has been suspended or excluded from practice by the USPTO regarding an application. *See* MPEP § 105.

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 Joan Olszewski at (571) 272-7751.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEWIS M. BRANDE
5976 FALLING TREE LANE
ALTA LOMA, CA 91737-2816

COPY MAILED
SEP 19 2008

In re Application of	:	
Steve Mason	:	
Application No. 11/901,168	:	DECISION ON PETITION
Filed: September 14, 2007	:	
Title: Spoke Wheel Protector	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 4, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the 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.

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

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

TY UNG
16830 VENTURA BLVD.
SUITE 360
ENCINO, CA 91436

COPY MAILED

SEP 0 8 2008

OFFICE OF PETITIONS

In re Application of	:	
Nathaniel L. THORNTON	:	
Application No. 11/901,203	:	DECISION ON PETITION
Filed: September 14, 2007	:	TO WITHDRAW
Attorney Docket No. 23016-001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 18, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted above have been performed.

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, No longer with firm, 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: PATEL & ALUMIF PC
16830 VENTURA BLVD., SUITE 360
ENCINO, CA 91436

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

JENKINS, WILSON, TAYLOR & HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM NC 27707

COPY MAILED

MAR 2 7 2009

OFFICE OF PETITIONS

In re Application of
Jhaveri, et al.
Application No. 11/901,324
Filed: September 17, 2007
Docket No.: 180/217/2

: DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 5, 2009.

The Notice of Abandonment mailed January 26, 2009 indicates that the application is abandoned for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed December 11, 2007.

The Notice indicated, *inter alia*, that Figures 4G and 4H appeared to have been omitted from the application as filed.

The Notice outlined three filing date options:

I. Date of deposit: Should applicant contend that the omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and $400.00 petition fee (37 CFR 1.17(f))) with evidence of such deposit must be filed within TWO MONTHS of the date of the Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO. THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).

II. Petition for later filing date: Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of the Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the $400.00 petition fee (37 CFR 1.17(f)) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice. THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).

III. Acceptance of application as deposited: Applicant may accept the application as deposited in the USPTO by either failure to file a petition under I or II or by filing an amendment under 37 CFR 1.57(a).

Applicants submitted a reply to the Notice on June 11, 2008, amending the specification to delete reference to the omitted figures. Applicants further advised that the reference in the specification to Figures 4G and 4H was inadvertent as the drawings were relabelled prior to submission of the application.

A Notice of Incomplete Reply was mailed June 23, 2008, acknowledging receipt of the reply dated June 11, 2008, but indicating the reply did not include Figures 4G and 4H.

On July 18, 2008, applicants submitted a reply to the Notice of Incomplete, asserting much of the same facts provided in the June 11, 2007 reply.

A Notice of Abandonment was mailed January 26, 2009.

Petitioners' arguments have been carefully reviewed and found convincing. Applicants effectively elected Option III set forth in the Notice in reply to the Notice. Accordingly, the Notice of Incomplete Reply was mailed in error.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The application file is being forwarded to the Office of Patent Application for further processing with an indication that the application is entitled to a filing date of September 17, 2007, WITHOUT Figures 4G and 4H present in the application as filed.

The preliminary amendment to the specification deleting reference to Figures 4G and 4H will be examined in due course by the examiner of record.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DUANE MORRIS LLP - PHILADELPHIA
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

COPY MAILED
JAN 20 2010

In re Application of	:	
GOOD, Timothy A. et al.	:	
Application No. 11/901,342	:	DECISION ON PETITION
Filed: September 17, 2007	:	TO WITHDRAW
Attorney Docket No. **H28801**	:	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 November 23, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that customer no. 08933 does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEPHEN GEORGE MICAN
POST OFFICE BOX 803338
#8973
CHICAGO IL 606680-3338

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Malcolm J. MCARTHUR	:	
Application No. 11/901,408	:	DECISION ON PETITION
Filed: September 17, 2007	:	
Attorney Docket No. PA-035.05591-US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed October 1, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 2, 2009. A Notice of Abandonment was mailed May 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election and amendment, (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3657 for appropriate action by the Examiner in the normal course of business on the reply received May 28, 2010.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KING & PARTNERS, PLC
170 COLLEGE AVENUE
SUITE 230
HOLLAND, MI 49423

COPY MAILED

OCT 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Morris Peerbolt	:	
Application No. 11/901,416	:	DECISION ON PETITION
Filed: September 17, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PBT-071009	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 17, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the attorney of record on behalf of 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 3746 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
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

BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Joseph A. Lupia	: DECISION ON REQUEST FOR
Patent Number	: 7618618	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/901,423	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **15** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE OH 43023

COPY MAILED
JUL 0 7 2008
OFFICE OF PETITIONS

In re Application of RUELLE, BODEUX, COSSEMENT AND RENAUD Application No. 11/901,437 Filed: 09/17/2007 Attorney Docket No. 25999A Title: MULTI-COMPATIBLE SIZING COMPOSITION FOR THERMOSETTING RESINS	:	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed March 6, 2008.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioners showed that the non-signing inventor constructively refused to join in the filing of the above-identified application after having been presented with the application papers.

The above-identified application and papers have been reviewed and are in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office finance records reveal that petitioners paid a $130.00 fee for filing the present petition. However, the current fee is $200.00. The Office will charge the Deposit Account the difference of $70.00.

The matter is being referred to Technology Center AU 1794 for examination in due course.

Inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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

Jean-Jacques Ruelle
Close de Haute Fecher, 1
Soumagne B-4630
Belgium

COPY MAILED

JUL 0 7 2008

OFFICE OF PETITIONS

In re Application of
RUELLE, BODEUX, COSSEMENT AND RENAUD
Application No. 11/901,437
Filed: 09/17/2007
Attorney Docket No. 25999A
Title: MULTI-COMPATIBLE SIZING COMPOSITION FOR THERMOSETTING RESINS

LETTER

Dear Mr. Ruelle:

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 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).

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE OH 43023

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

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

MAILED

APR 28 2010

OFFICE OF PETITIONS

In re Application of
Naohiro Ito, et al.
Application No.: 11/901,469
Filed: September 17, 2007
Attorney Docket No.: 2001.79026

ON PETITION

This is a decision on the petition, filed April 27, 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 12, 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 2162 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jan-08

COPY MAILED

JAN 0 9 2008

OFFICE OF PETITIONS

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

In re Application of	:	
Isamu Watanabe	:	
Application Number: 11/901481	:	DECISION ON PETITION
Filing Date: 09/18/2007	:	
Attorney Docket Number:	:	
1529.79023	:	

This is a decision on the "RESPONSE TO NOTICE OF OMITTED ITEMS AND PETITION FOR DATE OF DEPOSIT" filed on November 19, 2007, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of September 18, 2007, with Pages 1-25 of the specification and nine (9) sheets of drawings including Figures 2-10 described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on September 18, 2007.

Accordingly, on October 11, 2007, the Office of Patent Application Processing mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of September 18, 2007, but that Pages 1-25 of the specification (description and claims) and 9 pages of drawing figures described in the specification appeared to have been omitted.

In response, on November 19, 2007, the present petition and a copy of Pages 1-25 of the specification and 10 sheets of drawings containing Figures 1-10 were were filed. Petitioner argues that the missing specification pages and drawing sheets were filed with the other application papers on September 18, 2007, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office date" stamp of "091807" and contains the above-identified application number, and identifies the application by inventor's name, docket number, and invention title, and acknowledges receipt of, *inter alia*, 32 pages of specification including 20 claims and an abstract and 10 sheets of drawings.

Petitioner requests that the application, including 25 pages of the specification and the nine (9) sheets of drawings containing Figures 2-10 described in the specification, be accorded a filing date of September 18, 2007.

A review of the record reveals that one (1) sheet of drawings containing Figure 1, and Pages 26-31 containing the claims, were received on September 18, 2007. No nine (9) sheets of drawings containing Figures 2-10, or Pages 1-25 of the specification are located among the pages of specification and sheets of drawings received on that date. However, the evidence is convincing that the application papers deposited on September 18, 2007, included Pages 1-25 of the specification and the nine (9) sheets of drawings containing Figures 2-10 described in the specification, which were subsequently misplaced in the Office. Therefore, the application, including Pages 1-25 of the specification and nine (9) sheets of drawings containing Figures 2-10 described in the specification, is entitled to a filing date of September 18, 2007.

The "Notice" mailed on October 11, 2007, is vacated.

In view of the above, the petition is granted. No petition fee is due.

The petition fee will be credited to counsel's deposit account, as authorized on the transmittal letter filed on September 18, 2007.

The application will be processed with the copy of Pages 1-25 of the specification and the nine (9) sheets of drawings containing Figures 2-10 supplied with the present petition as a part of the original disclosure.

The copy of one (1) sheet of drawings, supplied with the present petition, containing Figure 1 described in the specification, will not be used for processing or examination, but will be retained in the application file.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of September 18, 2007, using the application papers filed on that date and the copy of Pages 1-25 of the specification and nine (9) sheets of drawings containing Figures 2-10 supplied with the present petition, and for an indication in Office records that 10 sheets of drawings were present on filing.

Telephone inquires 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

KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

COPY MAILED
JUL 01 2008
OFFICE OF PETITIONS

In re Application of	:	
Inghirami et al.	:	
Application No. 11/901487	:	
Filing or 371(c) Date: 09/18/2007	:	
Attorney Docket Number:	:	DECISION
1049-1-039DIV	:	ON PETITION

This is a decision on the "Petition Pursuant to 37 C.F.R. 1.57(a)," filed April 25, 2008, requesting the above-identified application be accorded a filing date of September 18, 2007, including inadvertently omitted drawing Figures 1-14. Petitioner alternatively requests a filing date based upon Petitioner's assertion that the figures are not necessary for an understanding of the invention.

The petition is granted to the extent indicated below.

Background

The application was filed on September 18, 2007. On April 1, 2008, the Office of Initial Patent Application Processing mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant, *inter alia*, that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the present petition and requests inclusion of inadvertently omitted drawing Figures, based upon a priority claim to a prior-filed application in accordance with 37 CFR 1.57(a). Petitioner alternatively requests a filing date because the figures are not necessary for an understanding of the invention.

According a Filing date

A review of the file reveals that the specification contains method claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one process, method or composition 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).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains method claims; therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

In applications filed without all of the drawing figure(s) referred to in the specification, the MPEP § 601.01(g) states that a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the Notice mailed April 8, 2008, was mailed in error and is hereby withdrawn.

Petition under 37 CFR 1.57(a)

The MPEP 601.01(f) further provides that

> As an alternative to a petition under 37 CFR 1.53(e), if the drawing(s) was inadvertently omitted from an application filed on or after September 21, 2004, and the application 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 inadvertently omitted drawing(s) is completely contained in the prior-filed application, the applicant may submit the omitted drawing(s) by way of an amendment in compliance with 37 CFR 1.57(a). The amendment must be by way of a petition under 37 CFR 1.57(a)(3) accompanied by the petition fee set forth in 37 CFR 1.17(f). See MPEP § 201.17. (Emphasis supplied).

Applicant is advised that a petition is not necessary in this instance to add the omitted figures.

37 CFR 1.57(a), incorporation by reference, provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s). However, where a filing date has been accorded an application, a petition is not necessary to add the omitted portion of the specification or drawing(s). "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)." 37 CFR 1.57(a)(3). (Emphasis supplied). *See, Also*, MPEP 201.17(F).

The Manual of Patent Examining Procedure ("MPEP") also provides that

> ...37 CFR 1.57(a) was added to provide a safeguard for applicants when a page(s) of the specification, or a portion thereof, or a sheet(s) of the drawing(s), or a portion thereof, is inadvertently omitted from an application, such as through a clerical error. 37 CFR 1.57(a) applies to applications filed on or after September 21, 2004. 37 CFR 1.57(a) permits inadvertently omitted material to be added to the application by way of a later filed amendment if the inadvertently omitted portion of the specification or drawing(s) is completely contained in a prior-filed application (for which priority/benefit is claimed) even though there is no explicit incorporation by reference of the prior-filed application. *See* MPEP § 201.17 for discussion regarding 37 CFR 1.57(a). *See* MPEP § 601.01(p). (Emphasis supplied).

MPEP 201.06(c)(IV)(B).

No petition is required. The Amendment to include the inadvertently omitted drawings, filed with the present petition on April 25, 2008, will be considered by the Examiner.

To the extent that the present petition requests a filing date of September 18, 2008, with no drawings present in the application, the petition is **granted**.

In view of the fact that the petition was necessitated by an error on the part of this Office, a refund of the petition fee has been credited to Petitioner's deposit account.

The application will be returned to the Office of Patent Application Processing for

1. withdrawal of the Notice of Incomplete Provisional Application mailed April 1, 2008;

2. for mailing of a Notice of Omitted Item(s),

3. and for further processing as a nonprovisional application with a filing date of September 18, 2008, using the application papers filed on that date.

Telephone inquiries concerning this matter should be directed to Attorney Derek Woods at (571) 272-3232.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARILYN ELKO
1540 BUTLER PLANK ROAD
GLENSHAW, PA 15116

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Marilyn Joan Elko	:	
Application No. 11/901,500	:	DECISION ON PETITION
Filed: September 18, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 18, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

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 Corrected Application Papers (Notice) mailed October 11, 2007. This application will be accorded "special" status when pre-examination processing is done.

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

CASCADIA INTELLECTUAL PROPERTY
500 UNION STREET
STE.1005
SEATTLE WA 98101

COPY MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
GOSCHA, Donald L. et al.	:	
Application No. 11/901,520	:	DECISION ON PETITION
Filed: September 17, 2007	:	TO WITHDRAW
Attorney Docket No. **020.0710.US.CON**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Cascadia Intellectual Property has been revoked by the assignee of the patent application on February 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 Michelle R. Eason at 571-272- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **PAULY, DEVRIES SMITH**
& DEFFNER, L.L.C.
PLAZA VII- SUITE 3000
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-1630

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

DUNLAP CODDING & ROGERS, P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

COPY MAILED

JAN 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Altan et al. :
Application No. 11/901,566 :
Filed: September 18, 2007 :
Attorney Docket No. 5837.093 :

ON PETITION

This is a decision on the petition, filed December 19, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on December 19, 2007. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

Express Mail No.: EV887845637US
Deposited On: 02/05/2008

UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

OIPE IAP10
FEB 05 2008
PATENT & TRADEMARK OFFICE

DOCKETED
mh

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DUNLAP CODDING & ROGERS, P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

Req Withdrawal of Aband
3/4/08

COPY MAILED
JAN 04 2008
OFFICE OF PETITIONS

In re Application of	:	
Altan et al.	:	
Application No. 11/901,566	:	ON PETITION
Filed: September 18, 2007	:	
Attorney Docket No. 5837.093	:	

This is a decision on the petition, filed December 19, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on December 19, 2007. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

DUNLAP, CODDING
& ROGERS, P.C.

JAN 12 2008

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
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

DUNLAP CODDING & ROGERS, P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

COPY MAILED

MAR 26 2008

OFFICE OF PETITIONS

In re Application of
Altan et al.
Application No. 11/901,566
Filed: September 18, 2007
Attorney Docket No. 5837.093

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition, filed February 5, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on September 19, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date is be determined pending completion of Security Review.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Patent Application Processing for pre- examination processing in due course.

Charlema Grant
Petitions Attorney
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/901,566	09/18/2007	M. Cengiz Altan	5837.093

CONFIRMATION NO. 7167

30589
DUNLAP CODDING & ROGERS, P.C.
PO BOX 16370
OKLAHOMA CITY, OK 73113

NONPUBLICATION RESCISSION LETTER

OC000000029082283

Date Mailed: 03/25/2008

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is to be determined pending completion of Security Review..

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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.
11/901,586	09/18/2007	Kurt E. Partridge	PARC-20070748-US-NP	6184

35699 7590 05/03/2010
PVF -- PARC
c/o PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

NOTIFICATION DATE	DELIVERY MODE
05/03/2010	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):

uspto-incoming@parklegal.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

PARK, VAUGHAN & FLEMING LLP
2820 Fifth Street
Davis CA 95618

In re Application of:
PARTRIDGE, Kurt et al.
Application No. 11/901,586
Filed: September 18, 2007
For: METHOD AND APPARATUS FOR SELECTING AN OBJECT WITHIN A USER INTERFACE BY PERFORMING A GESTURE

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on September 18, 2007, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 2-5 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 2-5. Paragraph [0001] of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100
(571) 272-1732

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Morrison & Foerster, LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

COPY MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Theodore W. Randolph et al.	:	
Application No. 11/901,613	:	DECISION ON
Filed: September 17, 2007	:	PETITION TO WITHDRAW
Attorney Docket No. 559352000600	:	FROM RECORD
	:	

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. 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 Gladys H. Monroy on behalf of attorney/agents associated with customer number 25226. All attorneys/agents associated with customer number 25226.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address will remain the same since no change of address was provided on the request.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

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
www.uspto.gov

Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

MAILED

MAY 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Laurent Blonde, et al.	:	
Application No. 11/901,615	:	DECISION ON PETITION
Filed: September 17, 2007	:	
Attorney Docket No. PF060129	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 31, 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 November 1, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2625 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

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.
11/901,627	09/18/2007	Rolf Bertram	BERTRAM ET AL - 1	6706

25889 7590 06/17/2010
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

EXAMINER
FIGUEROA, FELIX O

ART UNIT	PAPER NUMBER
2833	

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.

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

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

In re Application of: Bertram, et al. Serial No.: 11/901627 Filed: September 18, 2007 Attorney Docket No.: BERTRAM ET AL - 1	:: :: ::	DECISION *SUA SPONTE* WITHDRAWING HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A final Office action was mailed on December 2, 2009. A Request for Continued Examination (RCE) was properly filed on June 1, 2010, along with an extension of time request and the requisite fees. As such, the holding that the instant application became abandoned and the mailing of the Notice of Abandonment on June 9, 2010 are in error.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated, the holding of abandonment withdrawn and the application restored to pending status.

The examiner will review the amendments and remarks filed June 1, 2010 and take appropriate action.

Any inquiry regarding this decision should be directed to Renee Luebke, Supervisory Patent Examiner, at (571) 272-2009.

John W. Cabeca, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

MAY 2 2 2008

OFFICE OF PETITIONS

ALFRED M. WALKER
225 OLD COUNTRY ROAD
MELVILLE, NY 11747-2712

In re Application of	:	
ABRAMS, Robert	:	
Application No. 11/901,628	:	DECISION ON PETITION
Filed: September 18, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **270308 Abrams Nebulizer**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 25, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Robert Abrams attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3771 for action on the merits commensurate with this decision.

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
www.uspto.gov

APPLE C/O MOFO NOVA
1650 TYSONS BLVD.
SUITE 300
MCLEAN VA 22102

COPY MAILED

DEC 0 2 2009

OFFICE OF PETITIONS

In re Application of	:
Abileah et al..	:
Application No. 11/901,649	: DECISION GRANTING PETITION
Filed: September 18, 2007	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 106842030501(P7817USC2)	:

This is a decision on the petition under 37 CFR 1.78(a)(6), September 28, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/359,263, filed February 20, 2002, as set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional application as required by 37 1.78(a)(5)(iii). Additionally, the intermediate nonprovisional Application 10/371,413 filed February 20, 2003, was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/359,263, which was filed on February 20, 2002, for which priority is claimed.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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 between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed 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.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Any other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 2629 for appropriate action on the amendment submitted September 28, 2009, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application No. 60/736,002 filed February 20, 2002.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/901,649	09/18/2007	2629	4000	106842030501(P7817USC2)	25	4

CONFIRMATION NO. 6477

CORRECTED FILING RECEIPT

67673
APPLE c/o MOFO NOVA
1650 TYSONS BLVD.
SUITE 300
MCLEAN, VA 22102

OC000000039059332

Date Mailed: 12/02/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Adiel Abileah, Portland, OR;
Willem den Boer, Hillsboro, OR;

Assignment For Published Patent Application

Planar Systems, Inc.

Power of Attorney: The patent practitioners associated with Customer Number 67673

Domestic Priority data as claimed by applicant

This application is a CON of 10/371,413 02/20/2003 PAT 7,280,102
which claims benefit of 60/383,040 05/23/2002
and claims benefit of 60/359,263 02/20/2002

Foreign Applications

If Required, Foreign Filing License Granted: 10/03/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/901,649**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Light sensitive display

Preliminary Class

345

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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Leopold Presser, Esq.
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City NY 11530

MAILED

JUN 14 2010

OFFICE OF PETITIONS

In re Application of
Thomas
Application No. 11/901,658
Filed: September 18, 2007
Attorney Docket No. 8383ZYXWVUABZ

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(e), filed April 27, 2010. This matter is being properly treated under 37 CFR 1.78(a)(3) as a to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-

filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Alesia M. Brown at (571) 272-3205. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1638 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Chris Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/901,658	09/18/2007	1638	1360	8383ZYXWVUABZ	6	1

CONFIRMATION NO. 6686

CORRECTED FILING RECEIPT

Leopold Presser, Esq.
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530

OC000000041988001

Date Mailed: 06/08/2010

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)

Terry L. Thomas, College Station, TX;

Power of Attorney:

Leopold Presser--19827	John Sensny--28757
Stephen Murphy--22002	Paul Esatto--30749
Kenneth King--24223	Frank DiGiglio--31346
William Roch--24972	Mark Cohen--32211
Donald Black--27999	Richard Catania--32608

Domestic Priority data as claimed by applicant

This application is a CON of 10/702,777 11/06/2003 PAT 7,282,623
which is a DIV of 09/685,775 10/10/2000 PAT 6,683,232
which is a DIV of 08/934,254 09/19/1997 PAT 6,355,861
which is a CIP of 08/789,936 01/28/1997 PAT 5,789,220
which is a CON of 08/366,779 12/30/1994 PAT 5,614,393
which is a CIP of 08/307,382 09/14/1994 PAT 5,552,306
which is a CON of 07/959,952 10/13/1992 ABN
which is a CIP of 07/817,919 01/08/1992 ABN
which is a CIP of 07/774,475 10/10/1991 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 09/23/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/901,658**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Production of gamma linolenic acid by a delta6-desaturase

Preliminary Class

800

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

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

BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Gunther Schlingloff	: DECISION ON REQUEST FOR
Patent Number	: 7612010	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/901,660	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **36** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

W. EDWARD RAMAGE
COMMERCE CENTER SUITE 1000
211 COMMERCE ST
NASHVILLE TN 37201

MAILED

JUL 19 2010
OFFICE OF PETITIONS

In re Application of	:	
Oxford et al.	:	
Application No. 11/901,698	:	ON PETITION
Filed: September 17, 2007	:	
Attorney Docket No. 612.61	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 25, 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 November 20, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is February 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of $405 and the submission required by 37 CFR 1.114, (2) the petition fee of $810 and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center AU 3641 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.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 30 2010

OFFICE OF PETITIONS

AT& T LEGAL DEPARTMENT - Monka
ATTN: PATENT DOCKETING
ROOM 2A - 207
ONE AT & T WAY
BEDMINSTER NJ 07921

In re Application of	:	
Martin BIRK et al	:	
Application No. 11/901,741	:	DECISION ON PETITION
Filed: September 17, 2007	:	
Attorney Docket No. 2000-0482CON	:	

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**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 20, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed August 19, 2009. Accordingly, the date of abandonment of this application is November 20, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF DAVID MCEWING
P.O. BOX 231324
HOUSTON TX 77023

COPY MAILED

OCT 2 7 2008

OFFICE OF PETITIONS

In re Application of	:
Simon et al.	:
Application No. 11/901753	: DECISION ON PETITION
Filed: 09/19/2007	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. Ikango- 4	:

This is a decision on the petition to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application, filed August 20, 2008. The petition is properly treated under 37 CFR 1.78(a)(6).

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

With regard to item (1), the petition and amendment are improper because they are not signed. 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, a petition, supplemental amendment and/or ADS filed after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

Further as to item (1), the reference to add the above-noted, prior-filed application, no. 60/846477, on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed application(s). 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).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, an executed renewed petition under 37 CFR 1.78(a)(6), and an executed Application Data Sheet or substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Director for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Attorney Derek Woods at (571) 272-3232.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF DAVID MCEWING
P.O. BOX 231324
HOUSTON TX 77023

COPY MAILED
NOV 20 2008

In re Application of	:
Simon et al.	:
Application No. 11/901753	: DECISION ON PETITION
Filed: 09/19/2007	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. Ikango- 4	:

This is a decision on the renewed petition to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application, filed October 30, 2008. The petition is properly treated under 37 CFR 1.78(a)(6).

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. § 119 and 37 CFR 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)(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.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the 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 and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt

accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to 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 2165 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/901,753	09/19/2007	2165	600	Ikango- 4	20	4

CONFIRMATION NO. 7017

CORRECTED FILING RECEIPT

26328
LAW OFFICE OF DAVID MCEWING
P.O. BOX 231324
HOUSTON, TX 77023

OC000000033012386

Date Mailed: 11/07/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Sigil Simon, Missouri City, TX;
Benson Varghese, Sugarland, TX;
Ebenson Abraham, Missouri City, TX;
George Mathew, South Barrington, IL;

Power of Attorney: The patent practitioners associated with Customer Number 26328

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/846,477 09/22/2006

Foreign Applications

If Required, Foreign Filing License Granted: 10/04/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/901,753**

Projected Publication Date: 02/19/2009

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Internet based employment service transmitted using web services and video

Preliminary Class

707

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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

Quinn Emanuel Urquhart Oliver & Hedges. LLP
Koda/Androlia
865 S. Figueroa Street, 10th Floor
Los Angeles CA 90017

In re Application of	:	
UEYAMA, HIROAKI	:	DECISION ON REQUEST TO
Application No. 11/901,776	:	PARTICIPATE IN PATENT
Filed: Sep. 19, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 259A 4056	:	PROGRAM AND PETITION
For: DOUBLE-PIPE GEOTHERMAL	:	37 CFR 1.102(d)
WATER CIRCULATING APPARATUS	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program under 37 CFR 1.102(d), filed May 5, 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. Therefore, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Frantz Jules, SPE of Art Unit 3744, 571-272-6681.

The application is being forwarded to the examiner in Art Unit 3744 for action on the merits commensurate with this decision.

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Thomas R. Petrie, Jr.	:	DECISION ON PETITION
Application No. 11/901,806	:	TO WITHDRAW
Filed: September 18, 2007	:	FROM RECORD
Attorney Docket No. 28716-504	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 17, 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 Boris A. Matvenko on behalf of all attorneys of record who are associated with Customer No. 35437.

All attorneys/agents associated with Customer Number 35437 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 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: Thomas R. Petrie
Energex Systems, Inc.
80 Commerce Drive
Allendale, New Jersey 07401

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATENT LAW & VENTURE GROUP
2424 S.E. BRISTOL, SUITE 300
NEWPORT BEACH, CA 92660

COPY MAILED

OCT 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Robert Michael Sanfilippo et al.	:	
Application No. 11/901,837	:	DECISION ON PETITION
Filed: September 18, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. Sanfil.R-01C	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 18, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a 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 3739 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
www.uspto.gov

TOD R NISSLE
PO BOX 55630
PHOENIX AZ 85078

MAILED

MAY 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Adam A. Ochoa	:	
Application No. 11/901845	:	
Filing or 371(c) Date: 09/19/2007	:	ON PETITION
Attorney Docket Number: 812-P-8	:	

This is a decision on the third petition to revive under [37] CFR 1.137(b) and 1.137(c), filed March 4, 2010, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed June 10, 2009. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on September 11, 2009. A Notice of Abandonment was mailed January 29, 2010.

Applicant files the present petition and includes an Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply in the form of an Amendment; (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 Technology Center Art Unit 3774 for processing of the Amendment filed with the petition in the normal course of business.

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

TOD R NISSLE
PO BOX 55630
PHOENIX AZ 85078

MAILED

MAY 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Adam A. Ochoa	:	
Application No. 11/901845	:	
Filing or 371(c) Date: 09/19/2007	:	ON PETITION
Attorney Docket Number: 812-P-8	:	

This is a decision on the "Petition to Expedite Petition for Revival Under 37 [CFR] 1.182," filed via Express Mail on April 29, 2010.

This Petition is hereby **granted**.

A Decision on the Petition to revive the application under 37 CFR 1.137(b) is being mailed on even date herewith.

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

```
L1            0 SEA ABB=ON  PLU=ON  (DEPOSIT OR PTA)(S)2204 OR PTA2204

     FILE 'MEDLINE, BIOSIS, EMBASE, WPIX, JAPIO, PASCAL, DISSABS' ENTERED
     AT 15:10:58 ON 24 OCT 2008
L2            0 SEA ABB=ON  PLU=ON  L1

     FILE 'REGISTRY' ENTERED AT 15:11:39 ON 24 OCT 2008
                E PROTEIN KINASE/CN 5
L3         2061 SEA ABB=ON  PLU=ON  PROTEIN KINASE?/CN

     FILE 'CAPLUS' ENTERED AT 15:12:23 ON 24 OCT 2008
L4       228500 SEA ABB=ON  PLU=ON  L3 OR PROTEIN KINASE
L5        35727 SEA ABB=ON  PLU=ON  L4(S)HUMAN?
L6           20 SEA ABB=ON  PLU=ON  L5 AND (CDNA OR (C OR COMPLEMENT?)(W)(D
                NA OR DEOXYRIBONUCLEIC OR DEOXY(W)(RIBONUCLEIC OR RIBO
                NUCLEIC) OR DEOXYRIBO NUCLEIC))(S)INSERT

     FILE 'MEDLINE, BIOSIS, EMBASE, WPIX, JAPIO, PASCAL, DISSABS' ENTERED
     AT 15:16:52 ON 24 OCT 2008
L7           85 SEA ABB=ON  PLU=ON  L6
L8           53 SEA ABB=ON  PLU=ON  L7 AND VECTOR
L9           34 SEA ABB=ON  PLU=ON  L8 AND (PLASMID OR EPISOM##)
L10          34 DUP REM L9 (0 DUPLICATES REMOVED)

     FILE 'CAPLUS' ENTERED AT 15:19:01 ON 24 OCT 2008
L11           8 SEA ABB=ON  PLU=ON  L6 AND (VECTOR OR PLASMID OR EPISOM##)
                D QUE L11
                D L11 1-8

     FILE 'MEDLINE, BIOSIS, EMBASE, WPIX, JAPIO, PASCAL, DISSABS' ENTERED
     AT 15:20:32 ON 24 OCT 2008
                D L10 1-34 IBIB ABS

     FILE 'CAPLUS, MEDLINE, BIOSIS, EMBASE, WPIX, JAPIO, PASCAL, DISSABS'
     ENTERED AT 15:21:52 ON 24 OCT 2008
L12        1977 SEA ABB=ON  PLU=ON  "MEYERS R"?/AU
L13         377 SEA ABB=ON  PLU=ON  ("KAPELLER-LIBERMANN R"? OR "LIBERMANN-
                KAPELLER R"? OR "LIBERMANN R"? OR "KAPELLER R"?)/AU
L14        3730 SEA ABB=ON  PLU=ON  "WILLIAMSON M"?/AU
L15          29 SEA ABB=ON  PLU=ON  L12 AND L13 AND L14
L16         116 SEA ABB=ON  PLU=ON  L12 AND (L13 OR L14)
L17          43 SEA ABB=ON  PLU=ON  L13 AND L14
L18          10 SEA ABB=ON  PLU=ON  ((L12 OR L13 OR L14 OR L15 OR L16 OR
                L17)) AND L6
L19          10 DUP REM L18 (0 DUPLICATES REMOVED)
                D 1-10 IBIB ABS
```

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

Zuber & Taillieu, LLP
10866 Wilshire Boulevard, Suite 300
Los Angeles, CA 90024

MAILED

MAR 12 2009

OFFICE OF PETITIONS

In re Application of :
John Young :
Application No. 11/901,883 : DECISION ON PETITION
Filed: September 18, 2007 : TO WITHDRAW
Attorney Docket No. 0320-1003 : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Spyros J. Lazaris on behalf of all attorneys/agents associated with customer number 73276. All attorneys/agents associated with customer number 73276 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: John Young
P.O. Box 677
Sun Valley, CA 91353

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
11/901,883	09/18/2007	John Young	0320-1003

CONFIRMATION NO. 8058

POWER OF ATTORNEY NOTICE

73276
ZUBER & TAILLIEU LLP
10866 WILSHIRE BLVD., SUITE 300
LOS ANGELES, CA 90024

OC000000034960305

Date Mailed: 03/12/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/12/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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.
11/901,911	09/18/2007	Todd William Wallin	1SQWD051	7439

37351 7590 02/13/2008
LAW OFFICES OF ANDREW Y. SCHROEDER
500 SOUTH BROADWAY
SUITE 222
SANTA MARIA, CA 93454

EXAMINER

ART UNIT	PAPER NUMBER
1762	

MAIL DATE	DELIVERY MODE
02/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

2-13-08

In re application of	:	
Todd Wallin	:	
Serial No. 11/901,911	:	DECISION ON PETITION
Filed: September 18, 2007	:	TO MAKE SPECIAL
For: RADIO FREQUENCY PLASMA-WATER	:	
DISSOCIATOR	:	

This is a decision on the petition filed on September 18, 2007 to make the above-identified application special based upon enhancement of environmental quality.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection V (environmental quality) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;

3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not in condition for examination. Note, specifically, the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed on January 8, 2008, which indicates that the application was not in condition for examination at the time of filing.

MPEP 708.02(a), section VIII further states:

> The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (subsection II above) does not apply to applications that are not in condition for examination on filing.

Furthermore, the application, the petition and the required fees were not filed electronically using the USPTO's electronic filing system (EFS).

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

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEFEVOUR LAW GROUP, LLC
4365 LAWN AVE, SUITE 5
WESTERN SPRINGS, IL 60558

COPY MAILED

JUN 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Michael ARANDA, et al	:	
Application No. 11/901,918	:	DECISION ON PETITION
Filed: September 19, 2007	:	TO WITHDRAW
Attorney Docket No. 220-003US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 7, 2007 and April 25, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Martin LeFevour 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: MICHELLE SIDE, ESQ.,
EH BUILDING GROUP
4227 NORTHLAKE BOULEVARD
PALM BEACH GARDENS, FL 33410

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.
11/901,938	09/19/2007	Ing Johannes Troger	HG 51	6808

7590 04/24/2008

KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668

EXAMINER
ASHLEY, BOYER DOLINGER

ART UNIT	PAPER NUMBER
3724	

MAIL DATE	DELIVERY MODE
04/24/2008	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

Adjustment date: 05/01/2008 NFARMER
09/21/2007 HMARZI1 00000029 500465 11901938
02 FC:2111 250.00 CR

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
DIW May-08

PAUL M. DENK
SUITE 170
763 S. NEW BALLAS RD.
ST. LOUIS MO 63141

COPY MAILED

MAY 16 2008

OFFICE OF PETITIONS

In re Application of	:	
Ron Shew	:	
Application Number: 11/901979	:	DECISION REFUSING STATUS
Filing Date: 09/20/2007	:	UNDER 37 CFR 1.47(b)
Attorney Docket Number: 7834	:	

This is in a decision in response to the "PETITION UNDER 37 CFR 1.47" filed on April 15, 2008, which is treated as a petition 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(b)" 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 September 20, 2007, without an executed declaration.

Accordingly, on October 12, 2007, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration, and a surcharge for its late filing. A two (2) month period for reply was set.

In response, on April 15, 2008, the subject petition was filed, along with a declaration naming Ron Shew as the sole inventor.

Petitioners assert that James Thiel is the inventor and is now deceased. Petitioners assert Mr. Ron Shew, the assignee of the invention, has attempted to get the executrix of the inventor's

estate, his widow, to sign the declaration, but has been unable reach her.

At the outset, 37 CFR 1.41(a) states:

> The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless applicant files a paper, including the processing fee set forth in § 1.17(i), supplying or changing the name or names of the inventor or inventors.

It is noted that the executed declaration filed on April 15, 2008, states "I believe the inventor(s) named below to be original and first inventor(s)" and names Ron Shew as the sole inventor, and was signed by Mr. Shew. As such, pursuant to 37 CFR 1.41(a) applicants have named Ron Shew as the sole inventor.

If Mr. Shew is not an inventor, a request must be filed under 37 CFR 1.48(a), accompanied by the proper fee, to delete him as a named inventor.

As noted in 37 CFR 1.42:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Further, a request under 37 CFR 1.48(a) must be filed to add the correct inventor's name. If Mr. Thiel is the sole inventor, and is deceased, his legal representative, or executrix must sign the statement of lack of deceptive intent on his behalf.

If the executrix cannot be found to sign the statement of lack of deceptive intent, a petition under 37 CFR 1.183 may be made, accompanied by the proper fee, to waive the requirement of 37 CFR 1.48(a) in that the executrix sign the statement of lack of deceptive intent. In this case, petitioner would need to show that diligent efforts were

made to contact the executrix and obtain her signature on the statement of lack of deceptive intent and the oath or declaration under 37 CFR 1.63, as described in the discussion below under 37 CFR 1.47(b).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor, or legal representative, thereof 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 present petition lacks items (1), (2), (4), and (6).

To establish 37 CFR 1.47 status, petitioner must submit a 37 CFR 1.47 petition on behalf of the legal representative or executrix of the deceased inventor.

In regards to item (1), the showing of record, is insufficient to show that a diligent effort was made to locate Thiel's executrix or legal representative. Where inability to find or locate a named inventor(s), or legal representative thereof, is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor. Petitioner should demonstrate that a thorough inspection of sources including, but not limited to, personnel or payroll records and probate filings. Petitioner should use diligent efforts, such as a national registry or Internet search, to determine the current or last known address of the nearest living relative of the deceased inventor. Copies of the results of the search must be referred to in any renewed petition.[1] 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 the estate was under the sum required by law for the appointment of an administrator.[2] The

---

[1] See MPEP 409.03(d).

[2] MPEP 409.01(a).

heirs should identify themselves as the legal representative of the deceased inventor in the oath or declaration submitted pursuant to 37 CFR 1.63 and 1.64.[3]

Additionally, Theil's legal representative or executrix will have to be proffered the complete application papers (specification, including claims, drawings, if any, and the declaration) for signature.[4] In the event that the executrix or legal representative refuses to sign the declaration, petitioner may provide proof that a copy of the application was sent or given to the legal representative for review by providing, with a renewed petition, a copy of the cover letter transmitting the application papers to the legal representative or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

In the event that Thiel's legal representative or executrix refuses in writing to sign the declaration, petitioner should provide a copy of the written refusal with any renewed petition. If the refusal is made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

In regards to item (2), the oath or declaration must identify the inventor name, residence, mailing address, and citizenship of the legal representative or executrix of the deceased inventor, and state that the legal representative or executrix is signing on behalf of the deceased joint inventor. The name, citizenship, and most recent residence and mailing address for the deceased joint inventor must also be listed. A new oath or declaration in compliance with 37 CFR 1.63 and 1.64, signed by the Rule 1.47(b) applicant on behalf of the non-signing legal representative or executrix or heir of the deceased joint inventor, containing the information described in this paragraph, is required.

---

[3] Id.

[4] See also MPEP 409.01(a),(b); 409.03(c).

In reference to item (4), above, the petition must include the last known address of the legal representative or executrix of the deceased joint inventor.

In regards to item (6), petitioner must establish irreparable damages in accordance with MPEP 409.03(g). A statement by applicant that the filing is necessary to prevent irreparable damage or to preserve the rights of the parties is sufficient.

The petition fee of $200.00 will be charged to counsel's deposit account, as authorized on the petition for extension of time filed with the subject petition under 37 CFR 1.47(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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 Sep-08

PAUL M. DENK
SUITE 170
763 S. NEW BALLAS RD.
ST. LOUIS MO 63141

COPY MAILED
SEP 11 2008

In re Application of	:	
Ron Shew	:	
Application Number: 11/901979	:	ON PETITION
Filing Date: 09/20/2007	:	
Attorney Docket Number: 7834	:	

This is in a decision in response to the "RENEWED PETITION UNDER 37 CFR 1.47" filed on July 24, 2008.

The petition is **DISMISSED AS MOOT**.

The application was filed with a declaration naming Ron Shew as the sole inventor.

Petitioners assert that James Thiel is the inventor and is now deceased.

Papers filed on July 24, 2008, in response to the decision dismissing petition mailed on May 16, 2008, included a Declaration signed by the previously non-signing widow of James Thiel.

In view of the above, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

However, it is noted that petitioners have not filed a request under 37 CFR 1.48, along with the required petition fee and statement of lack of deceptive intent as indicated in the decision mailed on May 16, 2008. **The inventorship cannot be changed until a grantable request under 37 CFR 1.48(a) is be filed.**

37 CFR 1.48(a) states that amendment of the inventorship requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioner must provide items (1), (2), (4), and (5) as stated above with the grantable request under 37 CFR 1.48(a). Petitioner may reference the declaration filed on July 24, 2008, as the declaration required by item (3) listed above.

The application is returned 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-09

PAUL M. DENK
SUITE 170
763 S. NEW BALLAS RD.
ST. LOUIS MO 63141

MAILED

FEB 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Ron Shew	:	
Application Number: 11/901979	:	ON PETITION
Filing Date: 09/20/2007	:	
Attorney Docket Number: 7834	:	

This is a decision on the "RESUBMITTED PETITION UNDER 37 C.F.R. § 1.47(a) & 1.48," filed on December 15, 2008, which is treated as a request to correct the inventorship under 37 CFR 1.48(a).

The petition is **DISMISSED**.

The application was filed with a declaration naming Ron Shew as the sole inventor.

Petitioners assert that the actual sole inventor is James Thiel. Thus, petitioners request that James Thiel be added as an inventor and that Ron Shew be deleted.

Petitioners further state that the person to be named as an inventor, James Thiel, is deceased.

Petitioners have provided an oath or declaration under 37 CFR 1.63 signed on behalf of deceased inventor Thiel by his executor, Michelle Thiel.[1] Petitioners have also provided the statements required by 37 CFR 1.48(a)(2) by Michelle Thiel, on behalf of James Thiel, and by Ron Shew.

Amendment of the inventorship requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from each person being added as an inventor and from each person being deleted as an

[1] 37 CFR 1.42 states 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, and apply for and obtain the patent.

inventor that the error in inventorship occurred without deceptive intention on his or her part;
(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
(4) The processing fee set forth in § 1.17(i); and
(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

The request lacks item (5), above. A review of Office records reveals that the application has been assigned to Ron Shew Welding. No statement of consent of the assignee has been provided with the request. Accordingly, the written consent of the assignee must be provided in order for the request to be granted.

The application is returned to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Apr-09

PAUL M. DENK
SUITE 170
763 S. NEW BALLAS RD.
ST. LOUIS MO 63141

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Ron Shew	:	
Application Number: 11/901979	:	ON PETITION
Filing Date: 09/20/2007	:	
Attorney Docket Number: 7834	:	

This is a decision on the "RESUBMITTED PETITION UNDER 37 C.F.R. § 1.47(a) & 1.48," filed on March 16, 2009, which is treated as a renewed request to correct the inventorship under 37 CFR 1.48(a). This is also a decision on the paper filed on March 20, 2009, which is treated as a petition to withdraw the holding of abandonment.

The petitions are **GRANTED**.

The application was filed with a declaration naming Ron Shew as the sole inventor.

Petitioners assert that the actual sole inventor is James Thiel. Thus, petitioners request that James Thiel be added as an inventor and that Ron Shew be deleted.

Petitioners further state that the person to be named as an inventor, James Thiel, is deceased.

Petitioners have provided an oath or declaration under 37 CFR 1.63 signed on behalf of deceased inventor Thiel by his executor, Michelle Thiel.[1] Petitioners have also provided the statements required by 37 CFR 1.48(a)(2) by Michelle Thiel, on behalf of James Thiel, and by Ron Shew.

---

[1] 37 CFR 1.42 states 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, and apply for and obtain the patent.

Amendment of the inventorship requires:

> (1) A request to correct the inventorship that sets forth the desired inventorship change;
> (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
> (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
> (4) The processing fee set forth in § 1.17(i); and
> (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioner has provided a statement of lack of deceptive intent signed by the executor of the estate of the deceased inventor sought to be added as a named inventor, and a statement of lack of deceptive intent by the person, named in error, sought to be deleted as a named inventor. A declaration under 37 CFR 1.63, executed by the executor of the estate of the deceased inventor, has also been filed.

Consent of the assignee has been provided with the subject renewed petition.

Accordingly, the inventorship is amended by the addition of James Thiel (deceased) and by the deletion of Ron Shew as named inventors.

It is noted that a Notice of Abandonment was mailed on March 11, 2009, stating the application was abandoned for failure to timely reply to the Decision on Petition mailed on September 11, 2008.

A review of the official file reveals that a response to the Decision mailed on September 11, 2008 was filed on December 15, 2008 (certificate of mailing December 11, 2008).[2] A decision dismissing the petition was subsequently mailed on February 11, 2009, and the subject renewed petition was filed on March 16, 2009. Accordingly, there is no abandonment in fact.

---

[2] It is further noted that the decision mailed on September 11, 2008 was dismissed as moot and did not set a time period for reply.

The Notice of Abandonment is **withdrawn**, and the holding of abandonment is **vacated**. The Office apologizes for any inconvenience to petitioner.

A corrected Filing Receipt reflecting the inventorship is attached for petitioner's records.

The application is 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

Encl: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/901,979	09/20/2007	3652	565	7834	4	2

CONFIRMATION NO. 7883

CORRECTED FILING RECEIPT

Paul M. Denk
Suite 170
763 S. New Ballas Rd.
St. Louis, MO 63141

OC000000035670259

Date Mailed: 04/27/2009

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)

James Thiel, Benton, IL, Deceased;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 11/322,101 12/29/2005 ABN
which is a CON of 10/849,290 05/19/2004 ABN
which claims benefit of 60/471,441 05/19/2003

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 11/901,979**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Multi-lift for lifting and storing motorcycles and other vehicles

Preliminary Class

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

COPY MAILED
SEP 08 2008
OFFICE OF PETITIONS

In re Application of
Hirata, et al.
Application No. 11/902,048
Filed: 18 September, 2007
Attorney Docket No. 1968.1001

DECISION

This is a decision on the petition, filed 9 July, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

A proper showing (for relief under 37 C.F.R. §1.181):

- (as to non-receipt) requires at the very minimum: a statement from practitioner stating that the Office action was not received by the practitioner; a statement from the practitioner attesting to the fact that a search of the file jacket and docket records for the application indicates that the Office action was not received with a copy of those docket records; and a brief statement of the calendaring process and a copy of the due-date (calendar) docket record(s) where the nonreceived Office action would have been scheduled for reply had it been received must be attached to and referenced in the practitioner's statement; alternatively,

- (for a showing of timely and proper reply) requires a statement from practitioner stating that the reply was timely submitted by the practitioner; and copies of all papers submitted as and/or in support of that reply, with/and a copy of the date-stamped receipt card, Office FAX receipt acknowledgement (not simply Petitioner's FAX transmittal), or EFS

receipt acknowledgment from the Office, along with practitioner's attestation as to the correctness/completeness of his/her records.

The showing(s) must include that of the person(s) with first-hand knowledge and an acknowledgment by the Petitioner that he/she has reviewed that information in compliance with his/her duty of candor to the Office.

Petitioners' attentions always are drawn to guidance in the Commentary at MPEP §711.03(c).[1]

---

[1] The Commentary at MPEP §711.03(c) provides in pertinent part:

*****

I. PETITION TO WITHDRAW HOLDING OF ABANDONMENT

A petition to revive an abandoned application (discussed below) should not be confused with a petition from an examiner's holding of abandonment. Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 C.F.R. 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 C.F.R. 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Two additional procedures are available for reviving an application that has become abandoned due to a failure to reply to an Office Action: (1) a petition under 37 C.F.R. 1.137(a) based on unavoidable delay; and (2) a petition under 37 C.F.R. 1.137(b) based on unintentional delay.

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

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).

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

Petitioner seeks to provide the documentation in compliance with the Commentary at MPEP §711.03(c)(A) and/or (B) as it is set forth on the website (and included for reference herein).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Missing Parts (inter alia, the confirmation of the filing of a certified translation in the provisional application to which priority was claimed, and drawings) mailed on 11 October, 2007, with a reply due absent extension of time on or before 11 December, 2007.

The application went abandoned by operation of law after midnight 11 December, 2007.

The Office mailed the Notice of Abandonment on 13 June, 2008.

On 9 July, 2008, Petitioner filed the petition requesting withdrawal of the holding of

---

37 C.F.R. 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. 1.10(c), (d), (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP § 512. As stated in 37 C.F.R. 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. 1.8).

37 C.F.R. 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. 1.181(f).
Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

*****

abandonment under 37 C.F.R. §1.181 averring timely filing supported with a copy of the date-stamped ("NOV 16 2007") receipt card and a copy of the reply in the form of, *inter alia*, the certified translation (evidencing with a date-stamped ("SEP 18 2007") receipt card the filing of the certified translation in the provisional Application No. 60/845,535), and drawings.

Petitioner's showing appears to comply with the guidance in the Commentary at MPEP §711.03(c).

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[3] (See, also, the commentary at MPEP §711.03(c)(I)(A) and (B).)

And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have satisfied the showing requirements as discussed hereinabove.

CONCLUSION

The petition under 37 C.F.R. §1.181 is **granted**, and the 13 June, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

---

[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).

[3] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision—and it is noted that all inquiries with regard to that change in status should be directed to the OPAP where that change of status must be effected.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[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.

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

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

COPY MAILED

AUG 04 2008

OFFICE OF PETITIONS

In re Application of :
Yusuke Inoue. :
Application No. 11/902,065 : ON PETITION
Filed: September 18, 2007 :
Attorney Docket No. 108390-00138 :

This is a decision on the petition under 37 CFR 1.137(a), filed July 7, 2008, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

This application became abandoned for failure to file a timely response to the Notice of Allowance and Issue Fee Due mailed February 26, 2008, which set a statutory period for reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on May 27, 2008. A Notice of Abandonment was mailed June 27, 2008.

A grantable petition under 37 CFR 1.137(a)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer required by 37 CFR 1.137(c).

The instant petition lacks items (1) and (3).

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard.

"In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is

[1]As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference."[3]

"[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense."[4]

"The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'"[5]
"The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency."[6]

The standard

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[7]

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"[8] Nonawarness of a PTO rule will not constitute unavoidable delay.[9]

---

[3]Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency' interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

[4]Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

[5]Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. §706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

[6]Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

[7]Id.

[8]See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

[9]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 nonawarness of PTO rules does not constitute "unavoidable" delay)). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a

Application of the standard to the current facts and circumstances

In the instant petition, petitioner maintains that the circumstances leading to the abandonment of the application meet the aforementioned unavoidable standard and, therefore, petitioner qualifies for relief under 37 CFR 1.137(a).

With regard to item (1) above, the undersigned believes that there is some misunderstanding regarding the petition under 37 CFR 1.137(a) and a petition under 37 CFR 1.137(b). Petitioner filed a petition under 37 CFR 1.137(a), but authorized a petition fee payment of $1,500.00. The fee for the petition under 37 CFR 1.137(a) is $510.00. The fee for the petition under 37 CFR 1.137(b) is $1,540.00. At the time of the disposition of this petition, the issue fee payment had not been charged at all, notwithstanding petitioner's authorization to charge fees to a deposit account. To clarify the record, the issue fee will not be charged to the deposit account. The renewed petition should be accompanied by an Issue Fee Transmittal Form specifically authorizing the issue fee to be charged to a deposit account or the renewed petition should be accompanied by the issue fee payment. The publication fee payment is already of record. Also, the amount of $1,500.00 is also credited to the application for petitioner's use.

With regard to item (3) above, the aforementioned argument of petitioner in support of petitioner's belief that the above-cited application was unavoidably abandoned is not persuasive.

A successful petition under 37 CFR 1.137(a) requires that petitioner demonstrate that the <u>entire</u> delay—beginning from the due date for the reply to the filing of a grantable petition was unavoidable. Petitioner made no argument that the delay in paying the issue fee and publication fee was unavoidable. The renewed petition must establish that the entire delay in responding to the Notice of Allowance and Issue Fee Due was unavoidable.

Deposit account 01-2300 will be charged $510.00 for the petition fee.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b) (enclosed). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1,540.00 for a large entity and $770.00 for a verified small entity), and 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.

Further correspondence with respect to this matter should be addressed as follows:

---

specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel.

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
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
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

COPY MAILED

OCT 14 2008

OFFICE OF PETITIONS

In re Application of

Yusuke Inoue

Application No. 11/902,065

Filed: September 18, 2007

Attorney Docket No. 108390-00138

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), August 12, 2008, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of $1440.00 and publication fee of $300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed February 26, 2008. The Notice set forth a three (3) month statutory period for reply. The issue fee was not received within the allowable period. Accordingly, this application became abandoned on May 27, 2008. A Notice of Abandonment was mailed June 27, 2008.

The issue fee and publication fee were received on August 12, 2008.

Form PTOL-85B, filed August 12, 2008, 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.

K. A. McLaughlin

Kenya A. McLaughlin
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.
11/902,074	09/18/2007	Hiroyuki Nagaya	12-097	5145

7590 11/04/2009
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
DODD, RYAN P

ART UNIT	PAPER NUMBER
3655	

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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Repin. Ref: 11/05/2009 NFARKER 0015243500
DAA:501147 Name/Number:11902074
FC: 9204 0510.00 OP

Adjustment date: 11/05/2009 NFARKER
11/28/2007 AWONDAF1 00000007 11902074
03 FC:1111 -510.00 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
www.uspto.gov

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

COPY MAILED

DEC 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Masanobu Oomura	:	
Application No. 11/902,108	:	DECISION GRANTING PETITION
Filed: September 19, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 03500.518139.1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 14, 2009 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 17, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

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.

Terri Johnson
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
11/902,114	09/19/2007	Dong-Min Kim	262/045	8184

27849 7590 05/11/2009
LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER
PHAN, TRONG Q

ART UNIT	PAPER NUMBER
2827	

MAIL DATE	DELIVERY MODE
05/11/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

In re Application of: Dong-Min Kim Serial No.: 11/902,114 Filed: September 19, 2007 For: REPARABLE SEMICONDUCTOR MEMORY DEVICE	: : : : : :	DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.181, filed April 20, 2009,and supplemented May 8, 2009, to restart the shortened statutory period for reply to the non-final Office action of December 22, 2008 due to non-receipt of the Office action.

The petition is GRANTED.

A non-final Office action was mailed on December 22, 2008 setting a three-month shortened statutory period for reply.

Petitioner asserts that the Office action was not received at the address of record and the fact that the Office action was issued was not discovered until a periodic docket review was conducted on Monday, April 20, 2009.

A review of the application file 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 correspondence address of record. This presumption may be overcome by a showing that the Office action was not received at the correspondence address of record at the time the Office action was mailed. See MPEP 711.03(c).

The petition includes appropriate showing of non-receipt of an Office action as outlined in MPEP 711.03(c). The petition is granted.

The shortened statutory period for reply is hereby reset to run 3 (three) months from April 20, 2009. Extensions of this time period are governed by 37 CFR 1.136(a).

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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.
11/902,115	09/19/2007	Takahisa Mizuta	302/099	6287

7590 10/31/2009

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER
MACCHIAROLO, PETER J

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
10/31/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund ref:
11/02/2009 0030076247

Credit Card Refund Total: $500.00

CC Exp..: XXXXXXXXXXX1002

Adjustment date: 11/02/2009 NFARMER
09/20/2007 MBELETE1 00000036 11902115
03 FC:1111 -500.00 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
www.uspto.gov

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

COPY MAILED

MAY 02 2008

In re Application of	:
Howard A. Baumer	:
Application No. 11/902172	: DECISION ON PETITION
Filed: 09/19/2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 1875.8530001	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 19, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the preliminary amendment and Application Data Sheet (ADS) filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed application in the first sentence of the specification in the preliminary amendment filed with the petition is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an

incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Additionally, the supplemental Application Data Sheet (ADS) filed with the subject petition is improper because it is not signed. 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, a supplemental ADS filed after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an supplemental Application Data Sheet or a 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 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 Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

COPY MAILED

AUG 04 2008

OFFICE OF PETITIONS

In re Application of	:
Howard A. Baumer	:
Application No. 11/902,172	: DECISION ON PETITION
Filed: 09/19/2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 1875.8530001	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed on May 21, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed 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 Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3714 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

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	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/902,172	09/19/2007	3714	1150	1875.8530001	23	2

CONFIRMATION NO. 1617

CORRECTED FILING RECEIPT

49579
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

OC000000029581797

Date Mailed: 08/04/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please 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)

Howard A. Baumer, Laguna Hills, CA;

Assignment For Published Patent Application

Broadband Corporation, Irvine, CA

Power of Attorney: The patent practitioners associated with Customer Number 49579

Domestic Priority data as claimed by applicant

This application is a CON of 11/267,184 11/07/2005 PAT 7,274,315

Foreign Applications

If Required, Foreign Filing License Granted: 04/24/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/902,172**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Scrambled block encoder

Preliminary Class

341

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH VA 22041

COPY MAILED

JUL 21 2008

OFFICE OF PETITIONS

In re Application of :
Charles YANG et al. :
Application No. 11/902,176 :
Filed: September 19, 2007 :
Attorney Docket No. BHT-3183-145 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 02, 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 09, 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 11, 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; (2) the petition fee of $1,540.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of October 09, 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
www.uspto.gov

MAIL

OCT 10 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

ROBERT E. BUSHNELL
1522 K STREET NW
SUITE 300
WASHINGTON DC 20005-1202

In re Application of	:	
LEE, DAE-HYUN	:	DECISION ON REQUEST TO
Application No. 11/902,205	:	PARTICIPATE IN PATENT
Filed: September 19, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No.: P58462	:	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 7, 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 A. Wieder

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

Mail Date: 04/20/2010

Applicant	: Yong-Jun Tae	: DECISION ON REQUEST FOR
Patent Number	: 7652449	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/902,337	: 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

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: 07/15/2010

Applicant	: Michael Thomas Madigan	: DECISION ON REQUEST FOR
Patent Number	: 7649280	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/902,378	: 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 **291** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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.
11/902,436	09/21/2007	Seiji Osaka	134026	7905

7590 11/25/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
LAVARIAS, ARNEL C

ART UNIT	PAPER NUMBER
2872	

MAIL DATE	DELIVERY MODE
11/25/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 11/25/2009 NFARMER 0016441000
DA#:130461 Name/Number:11902436
FC: 5204 $2150.00 CR

Adjustment date: 11/25/2009 NFARMER
09/24/2007 DEMMANO1 00000073 11902436
02 FC:1111 -500.00 OP
04 FC:1201 -800.00 OP
05 FC:1202 -850.00 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.
11/902,465	09/21/2007	M. Kent Shellenberger	9626-26CT	8320

7590 02/18/2009
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER
HUI, SAN MING R

ART UNIT	PAPER NUMBER
1617	

MAIL DATE	DELIVERY MODE
02/18/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tomi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 02/19/2009 NFARMER
09/24/2007 DEMMANUI 00000009 220261 11902465
02 FC:1111 500.00 CR

Adjustment date: 02/19/2009 NFARMER
12/26/2007 MNGUYEN 00000002 220261 11902465
01 FC:1201 200.00 CR

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
DIW Jan-08

ROBERT E. BUSHNELL
1522 K STREET NW
SUITE 300
WASHINGTON DC 20005-1202

COPY MAILED

JAN 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Kang et al.	:	
Application Number: 11/902477	:	DECISION ON PETITION
Filed: 9/21/2007	:	
Attorney Docket Number: P57203A	:	

This is a decision on the petition styled under 37 CFR 1.181, filed on December 18, 2007, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application, including 28 pages of specification, be accorded a filing date of September 21, 2007.

The petition is **GRANTED**.

On September 21, 2007, the application was filed.

On October 18, 2007, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the specification was missing. The Notice stated that the filing date would be the date of receipt of a complete specification as prescribed by 35 U.S.C. 112.

In response, on December 18, 2007, petitioners filed the present petition, accompanied by a copy of an itemized return receipt postcard and a copy of, *inter alia*, 28 pages of specification, including the claims and one (1) page containing the abstract.

Petitioners argue that 28 pages of specification were filed with the other application papers on September 21, 2007, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp date of September 21, 2007. The postcard identifies the application by the first named inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, NEW APPLICATION (a copy of the parent specification, claims, abstract as filed … 28 sheets). Petitioners request that the application, including the 28 pages containing the specification, including the claims and one (1)

page containing the abstract, be accorded a filing date of September 21, 2007.

A review of the record reveals that no (0) pages of specification received on September 21, 2007, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on September 21, 2007, included 28 pages of specification, including the claims and one (1) page containing the abstract, which were subsequently misplaced in the Office. Therefore, the application, including 28 pages of specification, including the claims and (1) page containing the abstract, is entitled to a filing date of September 21, 2007.

In view of the above, the petition is granted. No petition fee is due. The petition fee will be refunded to counsel in due course.

The application will be processed with the copy of the 28 pages of specification, including the claims and (1) page of abstract, supplied on December 18, 2007, as a part of the original disclosure.

The application is being referred to the Office of Patent Application Processing for further processing with a filing date of September 21, 2007, using the application papers filed on that date, and the copy of 28 pages specification, including the claims and one (1) page containing the abstract, supplied with the present petition.

Telephone inquiries 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

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

COPY MAILED

MAR 26 2008

OFFICE OF PETITIONS

In re Application of
Hui Zhang et al.
Application No. 11/902,495
Filed: September 21, 2007
Attorney Docket No. 1901.1179

: DECISION GRANTING PETITION

This is a decision on the filing date petition filed November 2, 2007, under 37 CFR 1.57 requesting that the above referenced application be accorded a filing date of September 21, 2007. The petition is being treated under 37 CFR 1.53(e)(2)[1].

The application was filed on September 21, 2007. However, on October 26, 2007 the Office of Initial Patent Examination mailed a Notice of Incomplete Application stating that the application had not been filed with drawings and thus, the application could not be accorded a filing date.

In response, the present petition and 9 sheets of drawings, were filed. Petitioners argue that the drawings were filed with the other application papers on September 21, 2007. In support of the petition, a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of September 21, 2007, and the above-identified application number, and acknowledges receipt of, *inter alia*, 9 sheets of drawings, was supplied with the present petition. The postcard receipt lacks any notation of non-receipt of any item listed. Petitioner requests that the application, including the drawings, be accorded a filing date of September 21, 2007.

Upon review, the drawings have been located amongst the application papers filed September 21, 2007. Therefore, the application, including the 9 sheets of drawings, was complete on filing and entitled to a filing date of September 21, 2007.

---

[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.

In view of the above, the petition under 37 CFR 1.53(e)(2) is **GRANTED** and there is no need to treat the petition alternatively filed under 37 CFR 1.57. Therefore the petition under 37 CFR 1.57 is **DISMISSED** as involving moot issues.

The Notice of Incomplete Nonprovisional Application mailed October 26, 2007, is withdrawn. The petition fee in the amount of $400.00 has been credited back to deposit account no. 19-3935.

The application is being returned to the Office of Patent Application Processing for reprocessing with a filing date of September 21, 2007, using the application papers filed on September 21, 2007 and the drawings resubmitted on November 2, 2007 with the instant petition.

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

Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/902,497	09/21/2007	Hiroyuki Hagano	26D-047	8280

7590 07/16/2010
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
SMALLEY, JAMES N

ART UNIT	PAPER NUMBER
3781	

MAIL DATE	DELIVERY MODE
07/16/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

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
DIW Nov-09

MUNCY, GEISSLER, OLDS & LOWE, PLLC
P.O. BOX 1364
FAIRFAX VA 22038-1364

MAILED

NOV 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Men-Tzon Shih	:	DECISION ON PETITION
Application Number: 11/902520	:	
Filing Date: 09/21/2007	:	
Attorney Docket Number: BHT-3226-115	:	

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 **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is not a final agency decision.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. 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 became abandoned on November 10, 2007, for failure to timely file a response to the Notice to File Missing Parts of Nonprovisional Application mailed on October 9, 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 12, 2008.

Petitioner has submitted fees in response to the Notice to File Missing Parts of Nonprovisional Application mailed on October 9, 2007.

The petition lacks the reply required by 37 CFR 1.137(b)(1). In this regard, the Notice to File Missing Parts mailed on October 9, 2007 required replacement drawings in compliance with 37 CFR 1.84 and 1.121(d) as well as additional fees. No replacement drawings have been filed, however. A copy of the Notice to File Missing Parts mailed on October 9, 2007 is provided for petitioner's reference.

Any renewed petition must be accompanied by the required drawings.

Receipt of the power of attorney and change of correspondence address filed on September 2, 2009 is acknowledged. All correspondence will be mailed to the new correspondence address designated therein.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Notice mailed October 9, 2007
Notice Regarding Change of Power of Attorney
Notice of Acceptance of Power of Attorney

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/902,520	09/21/2007	Men-Tzon Shih	BHT-3226-115

CONFIRMATION NO. 8260

FORMALITIES LETTER

TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

Date Mailed: 10/09/2007

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
  Applicant must submit $ **155** *to complete the basic filing fee for a small entity.*

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1-3.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee, or oath or declaration) as set forth in 37 CFR 1.16(f) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$580** for a small entity

- **$155** Statutory basic filing fee.
- **$65** Surcharge.

- The application search fee has not been paid. Applicant must submit **$255** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **$105** to complete the examination fee for a small entity in compliance with 37 CFR 1.27.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
PART 3 - OFFICE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/902,520	09/21/2007	Men-Tzon Shih	BHT-3226-115

CONFIRMATION NO. 8260

POWER OF ATTORNEY NOTICE

TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

OC000000038605170

Date Mailed: 11/04/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/02/2009.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/diwood/

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
11/902,520	09/21/2007	Men-Tzon Shih	BHT-3226-115

CONFIRMATION NO. 8260

POA ACCEPTANCE LETTER

60601
Muncy, Geissler, Olds & Lowe, PLLC
P.O. BOX 1364
FAIRFAX, VA 22038-1364

OC000000038605171

Date Mailed: 11/04/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/02/2009.

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.

/diwood/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Apr-10

MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX VA 22033

MAILED

APR 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Men-Tzon Shih	:	
Application Number: 11/902520	:	ON PETITION
Filing Date: 09/21/2007	:	
Attorney Docket Number:	:	
5050/0138PUS1	:	

This is a decision on the renewed petition under 37 CFR 1.137(b) filed on January 4, 2010.

The petition is **GRANTED**.

This application became abandoned on December 10, 2007, for failure to timely file a reply to the Notice to File Missing Parts of Nonprovisional Application mailed on October 9, 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 12, 2008. On September 2, 2009, a petition under 37 CFR 1.137(b) was filed, along with the required fees. On November 4, 2009, the petition was dismissed, however, because replacement drawings in accordance with 37 CFR 1.84 and 1.121(d) had not been filed.

On January 4, 2010, the subject renewed petition was filed, accompanied by replacement drawings.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

The application is forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc:

MUNCY, GEISSLER, OLDS & LOWE PLLC
PO BOX 1364
FAIRFAX VA 22038-1364

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

THE HONG KONG POLYTECHNIC UNIVERSITY
SUITE 600, MAILBOX #119
1800 DIAGONAL ROAD
ALEXANDRIA, VA 22314

COPY MAILED
DEC 10 2008

In re Application of	:	
Foo-Tim Chau, et al.	:	
Application No. 11/902,536	:	DECISION ON PETITION
Filed: September 24, 2007	:	TO WITHDRAW
Attorney Docket No. IP-413A	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 21, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Robert M. DeWitty on behalf of himself.

Robert M. DeWitty has been withdrawn as attorneys or agents of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

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

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

Litman Law Offices, Ltd.
P.O. Box 15035
Crystal City Station
Arlington, VA 22215

COPY MAILED

OCT 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Thomas H. Sharpe	:	
Application No. 11/902,588	:	DECISION ON PETITION
Filed: September 24, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PBT-071009	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 24, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement 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 3747 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
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.
11/902,619	09/24/2007	Kenji Sato	134014	9739

7590 12/05/2008
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
ROMAIN, PINEL E

ART UNIT	PAPER NUMBER
4155	

MAIL DATE	DELIVERY MODE
12/05/2008	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:
12/05/2008 NFARMER 0000165394

CHECK Refund Total: $500.00

Adjustment date: 12/05/2008 NFARMER
09/25/2007 DEMMANU1 00000090 11902619
02 FC:1111 -500.00 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
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

COPY MAILED

NOV 0 4 2009

OFFICE OF PETITIONS

In re Patent No. 7,554,636	:	
Issue Date: June 30, 2009	:	
Application No. 11/902,623	:	DECISION ON PETITION
Filed: September 24, 2007	:	
Attorney Docket No. **134050**	:	

This is a decision on the petition, filed, July 30, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the front page of the above-identified patent by way of a certificate of correction.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "Dai Nippon Printing Co., Ltd." and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Dai Nippon Printing Co., Ltd." is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction.

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

COPY MAILED
NOV 19 2008

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

In re Application of	:	
Yaniv Romem, et al.	:	
Application No. 11/902,629	:	ON PETITION
Filed: September 24, 2007	:	
Attorney Docket No. 34272	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed October 23, 2007, requiring replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). 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 application became abandoned on December 24, 2007. A Notice of Abandonment was mailed on June 27, 2008. On August 13, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for review of the drawings provided August 13, 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

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.
11/902,666	09/24/2007	Seung-Uk Kwon	P58522	9601

7590 06/30/2010
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
HOBAN, MATTHEW E

ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
06/30/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

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

MELANIE WAITE
1390 CRESTWOOD DRIVE
REDLANDS CA 92373

COPY MAILED

NOV 0 6 2008

OFFICE OF PETITIONS

In re Application of	:	
Wilson, Arnold Albert	:	
Application No. 11/902,678	:	ON PETITION
Filed: September 25, 2007	:	
Title of Invention: Phone and Pin	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 29, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

The instant petition lacks none of the above item(s). However, the petition must be signed by:

(1) An attorney or agent of record appointed in compliance with § 1.34(b);
(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

---

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[2] See MPEP 711.03(c)(III)(C) and (D).

(3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or
(5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MELANIE WAITE
1390 CRESTWOOD DRIVE
REDLANDS CA 92373

COPY MAILED

MAR 1 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Wilson, Arnold Albert	:	
Application No. 11/902,678	:	ON PETITION
Filed: September 25, 2007	:	
Title: Phone and Pin	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed November 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies all the requirements of 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further processing. Thereafter, the application will be referred to Technology Center AU 2614 for examination on the merits.

Liana Walsh
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.
11/902,726	09/25/2007	Takashi Bunya	SON-3861	1459

7590 11/18/2009
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER
TRAN, HUAN HUU

ART UNIT	PAPER NUMBER
2861	

MAIL DATE	DELIVERY MODE
11/18/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farner

Patent Publication Branch
Office of Data Management

Adjustment date: 11/19/2009 NFARMER
09/26/2007 DEMMANU1 00000053 100013 11902726
02 FC:1111 500.00 CR
04 FC:1201 1000.00 CR

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

Stephen A. Soffen
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006-5403

COPY MAILED

OCT 15 2007

OFFICE OF PETITIONS

In re Application of	:	
John L. Janning	:	
Application No. 11/902,749	:	DECISION ON PETITION
Filed: September 25, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. J5460.0031/P031	:	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 a statement by the attorney of record on behalf of 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 2821 for action on the merits commensurate with this decision.

Kimberly Inabinet

Kimberly Inabinet
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.
11/902,762	09/25/2007	Masakatsu Wakairo	124133.01	1861

7590 08/17/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
MCDONALD, RODNEY GLENN

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
08/17/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Repln. Ref: 08/18/2009 BPOWELL 0017035700
DAN:150451 Name/Number:11902762
FC: 9204 $500.00 CR

Adjustment date: 08/18/2009 BPOWELL
[illegible] 11902762
[illegible] -500.00 OP

FORM PET651G (Rev. 08/07)

Repln. Ref: 08/18/2009 BPOWELL 0017035700
DA#:150461 Name/Number:11902762
FC: 9204 $500.00 CR

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.
11/902,776	09/25/2007	Matsuhisa Tsuruta	1033697-000039	1810

7590 06/04/2009
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

ART UNIT	PAPER NUMBER
2831	

NOTIFICATION DATE	DELIVERY MODE
06/04/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
06/04/2009 0030070810

Credit Card Refund Total: $500.00

Am Exp..: XXXXXXXXXXX1006

Adjustment date: 06/04/2009 NFARMER
09726/2007 SZEWDIE1 00000043 11902776
02 FC:1111 -500.00 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
www.uspto.gov

Patent No. : 7,625,118
Inventor(s) : Mizuno
Issued : December 1, 2009
Title : CIRCUIT FOR CORRECTING SENSOR TEMPERATURE CHARACTERISTICS

Docket No. : 108075-00231

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.
See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

By fax: 571-273-8300
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

RoChaun Johnson

For Mary Diggs
Decisions & Certificates
of Correction Branch
571 272-0470 or 703 756-1580

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

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

MAILED

JUN 18 2010

OFFICE OF PETITIONS

In re Patent No. 7,625,118 :
Issue Date: December 1, 2009 :
Application No. 11/902,798 : ON PETITION
Filed: September 25, 2007 :
Attorney Docket No. 108075-00231 :

This is a decision on the Request for Certificate of Correction under 37 CFR 1.183, filed April 14, 2010, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner requests issuance of a certificate of correction in the name of "Fujitsu Limited, Kawasaki (JP), to Fujitsu Microelectronics Limited, Yokohama (JP)"

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. *See also* MPEP 1481.01.

U.S. Patent and Trademark Office assignment records disclose that an assignment from Fujitsu Limited, Kawasaki (JP) to Fujitsu Microelectronics Limited Tokyo (JP), was recorded on December 11, 2008, no to Fujitsu Microelectronics Limited Yokohama (JP). Accordingly, since the request for the certificate of corrections was not requested in the proper name, the issuance of a certificate of correction would not be proper and the request cannot be granted at the present time.

As authorized the required $130 for the petition under 37 CFR 3.81 and $100 the request for Certificate of Corrections has been charged to petitioner's deposit account.

Telephone inquiries concerning this decision on petition should be directed to April M. Wise at (571) 272-1642.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEPHEN R. GREINER, ESQUIRE
GREINER LAW OFFICES, PC
SUITE 110
6701 DEMOCRACY BLVD.
BETHESDA, MD 20817

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Dennis P. Caldwell	:	
Application No. 11/902,810	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 3732.02	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 26, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Initial Patent Examination Processing to complete pre-examination processing. This application will be accorded "special" status when the pre-examination process is complete.

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

STEPHEN R. GREINER, ESQUIRE
GREINER LAW OFFICES, PC
SUITE 110
6701 DEMOCRACY BLVD.
BETHESDA, MD 20817

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

In re Application of
Dennis P. Caldwell
Application No. 11/902,811
Filed: September 26, 2007
Attorney Docket No. 3732.02

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 26, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Processing to complete the pre-examination processing. This application will be accorded "special" status when pre-examination processing is done

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
DRW May-10

STEPHEN R. GREINER, ESQUIRE
GREINER LAW OFFICES, P.C.
SUITE 110
6701 DEMOCRACY BLVD.
BETHESDA MD 20817

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Dennis P. Caldwell	:	
Application Number: 11/902811	:	ON PETITION
Filing Date: 09/26/2007	:	
Attorney Docket Number: 3732.02	:	
	:	

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 January 2, 2010, for failure to file timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on October 1,

---

[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)).

2009, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on January 15, 2010.

Receipt of the issue and publication fees is acknowledged.

The statement contained in the instant petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as required by 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

The application is forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NIXON PEABODY LLP - PATENT GROUP
1100 CLINTON SQUARE
ROCHESTER, NY 14604

Mail Date: 04/21/2010

Applicant	: Norbert Moszner	: DECISION ON REQUEST FOR
Patent Number	: 7605190	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/902,865	: 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

9/14/09

In re Application of	:	
BIGLIERI, EUGENIO et al	:	DECISION ON REQUEST TO
Application No. 11/902,867	:	PARTICIPATE IN PATENT
Filed: Sep. 26, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 1008788-000096	:	PROGRAM AND PETITION
For: MRI APPARATUS AND MRI METHOD USING SUCH APPARATUS	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the renewed petition under 37 CFR 1.102(d), filed Sep. 3, 2009 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO 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 EPO 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 EPO 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 EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of the requested patent documents is acknowledged. 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 the SPE, Mr. Long Le, Art Unit 3768, at 571-272-0823.

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
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of	:	
Michael MITCHELL-DIGNAN	:	
Application No. 11/902,936	:	DECISION ON PETITION
Filed: September 26, 2007	:	
Attorney Docket No. 1668.1030	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 08, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 07, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed October 07, 2009. Accordingly, the date of abandonment of this application is January 08, 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 $1,510.00 and the publication fee of $300.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fee payments are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Publishing Division for processing into a patent.

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
www.uspto.gov

COOPER & DUNHAM, LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

COPY MAILED

SEP 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Chris RUTH, et al	:	
Application No. 11/903,021	:	DECISION ON PETITION
Filed: September 20, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1166/77751	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 1, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by registered attorney Paul Teng, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 3624 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Sam R. McCoy Jr.
P.O. Box 2108
Mount Pleasant SC 29465

COPY MAILED

OCT 27 2008

OFFICE OF PETITIONS

In re Application of	:	
John Maxwell et al.	:	
Application No. 11/903,036	:	ON PETITION
Filed: September 20, 2007	:	
Attorney Docket No. 20060920-1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 9, 2008, to revive the above-identified application.

The petition is **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 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) and (3).

In regard to item (1), the corrected drawings filed concurrently with the instant petition are not labeled as "Replacement Sheets" as required by 37 CFR 1-121(d).

The statement of delay is not acceptable. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states:

> (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 patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (John Maxwell) was ever given a power of attorney to act on behalf of inventor Gail Alexis Craigie, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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: John Maxwell
Brassall, Queensland Australia

Dashes - Signed by the inventor

U.S. PTO
11/903036
09/20/2007

17648 U.S. PTO
092007

PTO/SB/19 (06-07)
Approved for use through 06/30/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PLANT PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications filed under 37 CFR 1.53(b))

Attorney Docket No.	20060920-1
First Named Inventor	John Maxwell, Gail Craigie
Title	PMN06
Express Mail Label No.	EQ 677955685 US

ADDRESS TO: **Commissioner for Patents**
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION ELEMENTS

See MPEP chapters 600 & 1600 concerning plant patent application contents.

1. [X] Fee Transmittal Form *(e.g., PTO/SB/17)*
   (Submit an original, and a duplicate for fee processing)
2. [ ] Applicant claims small entity status. See 37 CFR 1.27.
3. [X] Specification [*Total Pages* 8]
   (preferred arrangement set forth below)
   - Descriptive title of the invention
   - Cross References to Related Applications
   - Statement Regarding Fed sponsored R & D
   - Latin name of genus and species
   - Variety denomination
   - Background of the Invention
   - Brief Description of the Drawings
   - Detailed Botanical Description
   - A single claim
   - Abstract of the Disclosure
4. [X] Color drawing(s) [*Total Sheets* 10]
   (2 copies required – 37 CFR 1.165(b))
5. Oath or Declaration [*Total Pages* 2]
   a. [X] Newly executed (original or copy)
   b. [ ] A copy from a prior application (37 CFR 1.63(d))
   (for continuation/divisional with Box 16 completed)
   i [ ] DELETION OF INVENTOR(S)
   Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. [ ] Application Data Sheet. See 37 CFR 1.76.

ACCOMPANYING APPLICATION PARTS

7. [ ] Assignment Papers (cover sheet & document(s)) to follow
8. [ ] 37 CFR 3.73(b) Statement *(when there is an assignee)* [ ] Power of Attorney
9. [ ] English Translation Document *(if applicable)*
10. [ ] Information Disclosure Statement (IDS) PTO/SB/08 or PTO-1449
    [ ] Copies of foreign patent documents, NPL & Pending U.S. patent applications
11. [ ] Preliminary Amendment
12. [ ] Return Receipt Postcard (MPEP 503)
    (Should be specifically itemized)
13. [ ] Certified Copy of Priority Document(s)
    (if foreign priority is claimed)
14. [ ] Request Nonpublication under 35 U.S.C. 122(b)(2)(B)(i)
    Applicant must attach form PTO/SB/35 or equivalent.
15. [ ] Other:

Note: Please state the Latin name and variety denomination of the plant claimed in a separate section of the specification.

16. If a CONTINUING APPLICATION, *check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76.*

[ ] Continuation [ ] Divisional [ ] Continuation-in-part (CIP) of prior application No.: _____

Prior application information: Examiner _____ *Art Unit:* _____

17. CORRESPONDENCE ADDRESS

[ ] The address associated with Customer Number: [ ] *OR* [X] *Correspondence address below*

Name	VersaScapes, LLC				
Address	P. O. Box 2108				
City	Mount Pleasant	State	SC	Zip Code	29465
Country	USA	Telephone	843.849.1272	Email	lmoyer@versascapes.com

Signature	Linda A. Moyer	Date	9/20/2007
Name (Print/Typed)	Linda A. Moyer	Registration No.	

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER
FEB 2 2 2007

BEST AVAILABLE COPY

PTO/SB/122 (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CHANGE OF CORRESPONDENCE ADDRESS
Application

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/756,946
Filing Date	Jan 13, 2004
First Named Inventor	Edward NOLAN
Art Unit	1615
Examiner Name	Sharon E. KENNEDY
Attorney Docket Number	GTI-1130-CT2

Please change the Correspondence Address for the above-identified patent application to:

☑ The address associated with Customer Number: 35,938

OR

☐ Firm or Individual Name

Address: C/O PORTFOLIOIP P.O. Box 52050

City: Minneapolis | State: MN | Zip: 55402

Country: USA

Telephone: (858) 350-9690 | Email: dan@biotechnologylawgroup.com

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

☐ Applicant/Inventor

☐ Assignee of record of the entire interest. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☑ Attorney or agent of record. Registration Number 34,561.

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____.

Signature: Daniel M. Chambers

Typed or Printed Name: Daniel M. Chambers

Date: Feb 22, 2007 | Telephone: (858) 350-9690

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*

☑ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. 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 3 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.

17648 U.S. PTO
092007

PTO/SB/17 (06-07)
Approved for use through 06/30/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2007

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($)

Complete if Known	
Application Number	60/846,050
Filing Date	09/20/2006
First Named Inventor	John Maxwell, Gail Craigie
Examiner Name	
Art Unit	
Attorney Docket No.	20060920-1

METHOD OF PAYMENT (check all that apply)

☑ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Fee ($)	FILING FEES Small Entity Fee ($)	SEARCH FEES Fee ($)	SEARCH FEES Small Entity Fee ($)	EXAMINATION FEES Fee ($)	EXAMINATION FEES Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	660.00
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims _____ - 20 or HP = **Extra Claims** _____ x **Fee ($)** _____ = **Fee Paid ($)** _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims _____ - 3 or HP = **Extra Claims** _____ x **Fee ($)** _____ = **Fee Paid ($)** _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims Fee ($) _____ Fee Paid ($) _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets _____ - 100 = **Extra Sheets** _____ / 50 = **Number of each additional 50 or fraction thereof** _____ (round up to a whole number) x **Fee ($)** _____ = **Fee Paid ($)** _____

4. OTHER FEE(S) **Fees Paid ($)**

Non-English Specification, $130 fee (no small entity discount) _____

Other (e.g., late filing surcharge): _____ _____

SUBMITTED BY

Signature	Linda A. Moyer	Registration No. (Attorney/Agent)	Telephone 843.849.1272
Name (Print/Type)	Linda A. Moyer		Date 9/20/2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 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.

EH332646200US

PTO/SB/64 (01-08)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) 20060920-1

First named inventor: John Maxwell

Application No.: 11/903,036

Filed: 09/20/2007

Title: Agapanthus orientalis plant named 'PMN06'

Art Unit: 1661

Examiner:

OIPE IAP67 JUL 09 2008 PATENT & TRADEMARK OFFICE

07/10/2008 WASFAW1 00000005 11903036
01 FC:2453 770.00 OP

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☑ Small entity-fee $ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(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.

John Maxwell	07/03/2008
Signature	Date
John Maxwell	
Typed or printed name	Registration Number, if applicable
Brassall, Queensland Australia	
Address	Telephone Number
Address	

Enclosures:
☑ Fee Payment
☑ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☑ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

07/07/2008	
Date	Signature
	Sam McCoy
	Typed or printed name of person signing certificate

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
11/903,036	09/20/2007	John Maxwell	20060920-1

CONFIRMATION NO. 4833

78930
Sam R. McCoy Jr.
P.O. Box 2108
Mount Pleasant, SC 29465

OIPE IAP67 JUL 09 2008 PATENT & TRADEMARK OFFICE

ABANDONMENT/TERMINATION LETTER

OC000000030698560

Date Mailed: 06/27/2008

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on10/22/2007.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);

2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or

3. If the reply was filed via "Express Mail," a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the "Express Mail" mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

A copy of this notice MUST be returned with the reply.

/nnguyen/

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
11/903,036	09/20/2007	John Maxwell	20060920-1

CONFIRMATION NO. 4833

VersaScapes, LLC
P.O. Box 2108
Mount Pleasant, SC 29465

FORMALITIES LETTER

OC000000026363103

Date Mailed: 10/22/2007

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. 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 required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch).See Figures(s) 1-5.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

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.

/thaile/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

11/903036 Examiner: , GAU: 1661
Inventor: MAXWELL , JOHN, et al Classification: PLT/263.000
Status: 160 - ABANDONED -- INCOMPLETE APPLICATION (PRE-EXAMINATION)
Title: AGAPANTHUS ORIENTALIS PLANT NAMED 'PMN06'
Start Date: End Date:

bib_fee report (4 items, not sorted)

Acct Date	Seq. Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
07/10/2008	6	1	2453	$770.00	07/09/2008	CK
09/21/2007	174	1	1013	$200.00	09/20/2007	CK
09/21/2007	175	1	1113	$300.00	09/20/2007	CK
09/21/2007	176	1	1313	$160.00	09/20/2007	CK

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION - Plant Patent Application

Direct all correspondence to: ☐ The address associated with Customer Number:

OR ☒ Correspondence address below

Name VersaScapes, LLC		
Address P. O. Box 2108		
Address		
City Mount Pleasant	**State** SC	**ZIP** 29465
Country USA	**Telephone** 843.849.1272	**Email** lmoyer@versascapes.com

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.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventor

Given Name John	**Family Name or Surname** Maxwell		
Inventor's Signature John Maxwell			**Date** 09/18/2007
Residence: City Brassall	**State** Queensland	**Country** Australia	**Citizenship** Augtralia
Mailing Address			
Mailing Address			
City	**State**	**Zip**	**Country**

☒ Additional inventors or legal representative(s) are being named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

PTO/SB/02A (07-07)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental Sheet

Name of Additional Joint Inventor, if any: ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))	Family Name or Surname
Gail Alexis	Craigie

Inventor's Signature Gail Alexis Craigie	09/20/2007 Date

Residence: City	State	Country	Citizenship
Brassell	QLD	Australia	Australia

Mailing Address

City	State	Zip	Country

Name of Additional Joint Inventor, if any: ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))	Family Name or Surname

Inventor's Signature	Date

Residence: City	State	Country	Citizenship

Mailing Address

City	State	Zip	Country

Name of Additional Joint Inventor, if any: ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))	Family Name or Surname

Inventor's Signature	Date

Residence: City	State	Country	Citizenship

Mailing Address

City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 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 (1-800-786-9199) and select option 2.

PTO/SB/02B (07-07)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION – Supplemental Priority Data Sheet

Foreign applications:

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	NO
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 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 (1-800-786-9199) and select option 2.

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

Sam R. McCoy Jr.
P.O. Box 2108
Mount Pleasant SC 29465

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
John Maxwell et al. :
Application No. 11/903,036 : ON PETITION
Filed: September 20, 2007 :
Attorney Docket No. 20060920-1 :

This is a decision on the renewed petition under the unintentional provisions of 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 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, and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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.

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

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.
11/903,049	09/20/2007	Maurice S. Kanbar	47178-0004-02-US (405854)	7687

23973 7590 01/26/2010
DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER
ALIE, GHASSEM

ART UNIT	PAPER NUMBER
3724	

MAIL DATE	DELIVERY MODE
01/26/2010	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

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

In re Application of: KANBAR, MAURICE S. Serial No. 11/903,049 Filed: Sep. 20, 2007 Docket: 47178-0004-02-US (405854) Title: MANUAL DISPENSER AND NOTE PAPER ROLL	DECISION ON PETITION UNDER 37 CFR § 1.144

This is a decision on the petition filed January 8, 2010 under 37 CFR 1.181 requesting withdrawal of the restriction requirements of September 3, 2009 based on subcombinations usable together under MPEP § 806.05(d). This petition is being considered pursuant to 37 CFR § 1.144 and 37 CFR § 1.181, and no fee is required.

The petition is **granted.**

In the petition, petitioner argues that the examiner has failed to establish and explain that the subcombinations are independent or distinct in accordance with MPEP § 806.05(d). In the first paragraph of page 10 of the petition, petitioner correctly argues that both claims 1 and 13 cover the embodiments depicted in Figs. 6-9B. In finding petitioner's points of argument persuasive regarding subcombination restrictions, the requested relief is granted. The restriction requirements with respect to subcombination useable together in claims 1-22 mailed on September 3, 2009 are withdrawn. It is noted that petitioner did not argue the propriety of the election of species requirements in the petition. With regard to these elections of species requirements among Species of Fig. 1A, 1B, 1C directed to the various locations of strips of low tack portions and Species of Figs. 2, 6, 10 directed to the motorized, manual and top dispenser, since all claims are readable on the elected species of Fig, 1A and Fig. 6. The examiner should have examined all claims 1-22. Therefore, the non-elected claims 4, 6-8 and 13-22 should be rejoined with the elected Species of Figs. 1A and Fig. 6. The examiner has been requested to issue an Office action to treat claims 1-22 on the merits when considering the pending Rule 111 amendment filed on Jan. 8, 2010.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of the Art Unit 3724 for the examiner's consideration of Rule 111 amendment filed on January 8, 2010 and preparation of an Office action consistent with this decision.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/903,049	09/20/2007	Maurice S. Kanbar	47178-0004-02-US (405854)	7687

23973 7590 02/01/2010
DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER
ALIE, GHASSEM

ART UNIT	PAPER NUMBER
3724	

MAIL DATE	DELIVERY MODE
02/01/2010	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

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996

In re Application of: KANBAR, MAURICE S. Serial No. 11/903,049 Filed: Sep. 20, 2007 Docket: 47178-0004-02-US (405854) Title: MANUAL DISPENSER AND NOTE PAPER ROLL	DECISION ON PETITION UNDER 37 CFR § 1.144

This is a decision on the petition filed January 8, 2010 under 37 CFR 1.181 requesting withdrawal of the restriction requirements of September 3, 2009 based on subcombinations usable together under MPEP § 806.05(d). This petition is being considered pursuant to 37 CFR § 1.144 and 37 CFR § 1.181, and no fee is required.

The petition is **granted.**

In the petition, petitioner argues that the examiner has failed to establish and explain that the subcombinations are independent or distinct in accordance with MPEP § 806.05(d). In the first paragraph of page 10 of the petition, petitioner correctly argues that both claims 1 and 13 cover the embodiments depicted in Figs. 6-9B. In finding petitioner's points of argument persuasive regarding subcombination restrictions, the requested relief is granted. The restriction requirements with respect to subcombination useable together in claims 1-22 mailed on September 3, 2009 are withdrawn. It is noted that petitioner did not argue the propriety of the election of species requirements in the petition. With regard to these elections of species requirements among Species of Fig. 1A, 1B, 1C directed to the various locations of strips of low tack portions and Species of Figs. 2, 6, 10 directed to the motorized, manual and top dispenser, since all claims are readable on the elected species of Fig, 1A and Fig. 6. The examiner should have examined all claims 1-22. Therefore, the non-elected claims 4, 6-8 and 13-22 should be rejoined with the elected Species of Figs. 1A and Fig. 6. The examiner has been requested to issue an Office action to treat claims 1-22 on the merits when considering the pending Rule 111 amendment filed on Jan. 8, 2010.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of the Art Unit 3724 for the examiner's consideration of Rule 111 amendment filed on January 8, 2010 and preparation of an Office action consistent with this decision.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

DEC 10 2007

OFFICE OF PETITIONS

ASHKAN NAJAFI, P.A.
6817 SOUTHPOINT PARKWAY
SUITE 2301
JACKSONVILLE FL 32216

In re Application of
Kathleen Casey
Application No. 11/903,052
Filed: September 21, 2007
Attorney Docket No.: 20096
Title: Heated Umbrella and
Associated Method

DECISION GRANTED

This is a decision on the petition filed October 22, 2007 and supplemented October 29, 2007, requesting in effect, the Notice of Omitted Items in a Nonprovisional Application "Notice" be accorded a filing date of September 21, 2007 including figures 6 and 7.

The application was filed on September 21, 2007. However, on October 11, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of September 21, 2007 but figures 6 and 7 as described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figures 6 and 7 were filed on September 21, 2007. In support, the petition is accompanied by a copy of applicant's return postcard receipt which lists " 6 sheets of drawings 7 figures". The petition is further accompanied by a copy of figures 6 and 7.

Applicants' postcard receipt is prima facie evidence that at least 6 sheets of drawings including figures 6 and 7 as described in the specification were received on September 21, 2007, but figures 6 and 7 are not present in the file. Therefore, it is concluded that figures 6 and 7 were received on September 21, 2007, as shown in counsel's file, and later misplaced in the office.

The petition is Granted to the extent indicated above. No petition fee is required and none has been submitted.

Figures 6 and 7 supplied on September 29, 2007, will be used for processing and examination purposes.

The application will be returned to the Office of Patent Application Processing for further processing with a filing date of September 21, 2007, using the drawings submitted on September 21, 2007 and figures 6 and 7 supplied on October 29, 2007.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 12 2010

OFFICE OF PETITIONS

RICHARD R. MUCCINO
758 SPRINGFIELD AVENUE
SUMMIT NJ 07901

In re Application of	:	
CHERUKURI, S. RAO	:	
Application No. 11/903,074	:	DECISION ON PETITION
Filed: September 20, 2007	:	TO WITHDRAW
Attorney Docket No. **Cap 1-003CIP**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Richard Muccino, the sole attorney of record. Richard Muccino has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor S. Rao Cherukuri at the address indicated below. There is an outstanding Office action mailed January 21, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **S. RAO CHERUKURI**
CAPRICON PHARMA
6900 ENGLISH MUFFIN WAY, UNIT A
FREDRICK MD 21703

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 05/10/2010

Applicant	: Paul G. Damitio	: DECISION ON REQUEST FOR
Patent Number	: 7626458	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/903,105	: 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 **67** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

KENYON & KENYON LLP
1500 K STREET, NW
WASHINGTON, DC 20005-1257

Mail Date: 04/21/2010

Applicant	: Michael A. Ashburn JR.	: DECISION ON REQUEST FOR
Patent Number	: 7583135	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/903,113	: 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 **67** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

3-25-8

Doc Code: PET.AUTO
Doc Description: Petition Automatically granted by EFS

OIPE IAP22
MAR 24 2008
PATENT & TRADEMARK OFFICE

PTO/SB/130 (03-08)
Approved for use through 03/31/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11/903,131	Confirmation Number	8744	Filing Date	2007-09-19
Attorney Docket Number (optional)	MOI 300	Art Unit	3747	Examiner	TBD
First Named Inventor	Shahrokh Etemad				
Title of Invention	Method for Low NOx Combustion With Low Pressure Drop				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
William	C.	Pfefferle	Jr.

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature		Date (YYYY-MM-DD)	2008-03-24
Name	Robert L. Rispoli	Registration Number	43884

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 L. RISPOLI
PRECISION COMBUSTION, INC.
410 SACKETT POINT ROAD
NORTH HAVEN, CT 06473

COPY MAILED
JUN 17 2009
OFFICE OF PETITIONS

In re Application of	:	
Shahrokh Etemad, et al.	:	
Application No. 11/903,131	:	DECISION ON PETITION
Filed: September 19, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. MOI 300	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 24, 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 certification from counsel that at least one of the applicants is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3204.

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 3747 for action on the merits commensurate with this decision.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 06/21/2010

Applicant	: Ralph McGonegal	: DECISION ON REQUEST FOR
Patent Number	: 7646675	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/903,198	: 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 **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHNSON & JOHNSON
PHARMACEUTICAL RESEARCH & DEVELO
3210 MERRYFIELD ROW
SAN DIEGO, CA 92121

COPY MAILED
DEC 0 8 2008

In re Application of	:	
ZALIPSKY, Samuel	:	
Application No. 11/903,199	:	DECISION ON PETITION
Filed: September 19, 2007	:	TO WITHDRAW
Attorney Docket No. **55325-8167.US10**	:	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 January 10, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Michael Atkins does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

Cc: **ROBINS & PASTERNAK LLP**
1731 EMBARCADERO ROAD
SUITE 230
PALO ALTO CA 94303

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

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

COPY MAILED

MAY 27 2008

In re Application of	:	
TAN, Edwin	:	
Application No. 11/903,227	:	DECISION ON PETITION
Filed: September 20, 2007	:	TO WITHDRAW
Attorney Docket No. **14183/1**	:	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 April 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 Michelle M. Carniaux on behalf of all attorneys of record who are associated with customer No. 26646. 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: **EDWIN TAN**
11 WAVERLY PLACE
APT. 9J
NEW YORK, NY 10003-6722

cc: **CAMPBELL CHIANG, ESQ.**
PERKINS COIE LLP
101 JEFFERSON DRIVE
MENLO PARK, CALIFORNIA 94025

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed: October 21, 2008

MCDERMOTT WILL & EMERY LLP
28 STATE STREET
BOSTON MA 02109-1775

Applicant: Yildiz et al.
Appl. No.: 11/903,259
Filing Date: September 21, 2007
Title: METHOD AND SYSTEM FOR CORRECTING SWITCHED INPUT A/D CONVERTERS
Attorney Docket No.: 56229-208(ANAK-276)
Pub. No.: US 2008/0150781 A1
Pub. Date: June 26, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 17, 2008, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.**

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Adjustment date: 10/21/2008 KKING1
10/20/2008 PCHOMP1 00000003 501133 11903259
02 FC:1505 300.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 05 2010

OFFICE OF PETITIONS

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of	:	
RANDLE, Judy M.	:	
Application No. 11/903,262	:	DECISION ON PETITION
Filed: September 21, 2007	:	TO WITHDRAW
Attorney Docket No. **60504/M1033**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Richard J. Ward, Jr. on behalf of all attorneys of record who are associated with customer No. 23363. All attorneys/agents associated with the Customer Number 23363 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Judy Randle 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: **JUDY MCCONNELL RANDLE**
2007 PLAZA DEL AMO
TORRANCE CA 90501

PTO/SB/130 (03-08)
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 contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11/903,296	Confirmation Number	8340	Filing Date	2007-09-21
Attorney Docket Number (optional)	DSM-0035	Art Unit	2817	Examiner	
First Named Inventor	Christopher L. Hamlin				
Title of Invention	Circuit and Method for Generating Electrical Solitons with Junction Field Effect Transistors				

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
Christopher	L.	Hamlin	

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	/Christopher Hamlin/	Date (YYYY-MM-DD)	2008-06-11
Name	Christopher L. Hamlin		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Christopher L. Hamlin

Application No. 11903296

Filed: September 21,2007

Attorney Docket No. DSM-0035

: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 11-JUN-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

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

FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Hermann MONSTADT, et al	:	
Application No. 11/903,311	:	DECISION ON PETITION
Filed: September 21, 2007	:	TO WITHDRAW
Attorney Docket No. 355492-3919	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 29, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Lorna L. Tanner on behalf of the attorneys of record associated with Customer No. 38706.

The attorneys of record associated with Customer No. 38706 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the 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: HERMANN MONSTADT
HAARSTRASSE 61
44797 BOCHUM GERMANY

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
11/903,311	09/21/2007	Hermann Monstadt	355492-3919

CONFIRMATION NO. 8419

POWER OF ATTORNEY NOTICE

38706
FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304

OC000000036065834

Date Mailed: 05/20/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/29/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 27 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

In re Application of: Jonathan J. OLIVER, et al.
Application No. 11/903,413
Filed: Sept 20, 2007
Atty. Docket No PA4353US
Title: SIGNATURE GENERATION USING MESSAGE SUMMARIES

DECISION ON PETITION
UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed April 22, 2010 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and request the Office to properly include the Examiner of record to review the Applicant's Pre-Appeal Brief Conference request filed Dec 28, 2009.

OG Notice of July 12 2005 indicates:

> Upon receipt of a properly filed request, a Technology Center Art Unit Supervisor will designate a panel of examiners experienced in the field of technology to review the applicant's remarks and the examiner's rejections. The panel will include at least a supervisor and the examiner of record.
>
> A panel of examiners (including the examiner of record) will consider the merits of each ground of rejection for which appeal has been requested and will issue a written decision as to the status of the application.
>
> Panel decisions will not be petitionable because a decision to maintain a rejection is subject to appeal.

37 C.F.R. § 1.181(f) states, in part:

> The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings...

A review of the record indicates on April 22, 2010, a panel decision held by two Supervisory Patent Examiners (SPE) Rupal D. Dharia and Ario Etienne to maintain the final rejection and proceed to the Board of Patent Appeals and Interferences was mailed. Note the examiner Sahera Halim is an Assistant examiner who has not been granted authority with matters relating to Finality of the rejection (see MPEP 1004 and 1005) and is directly under the supervision of SPE Ario Etienne.

Upon the receipt of the petition, a panel was reconvened to include the examiner of record in compliance with the OG Notice of July 12 200. The new panel decision was to maintain the decision of April 22, 2010 to proceed to Board of Patent Appeals and Interferences (see attached reconvened decision).

Accordingly, the petition is **DISMISSED as MOOT.**

Further, pursuant to 37 C.F.R. § 1.181(f), the shortened statutory period for reply is continued to run one month from the original mailing date of the Pre-Appeal decision mailed Mar 23, 2010.

The time period for filing the appeal brief is extendible under 37 CFR 1.136 based upon the mailing of the decision on March 23, 2010.

Any inquiry regarding this decision should be directed to Kim Huynh, whose telephone number is (571) 272-4147.

Jack Harvey, Director
Technology Center 2400
Network, Multiplexing, Cable and Security

Notice of Panel Decision from Pre-Appeal Brief Review	Application/Control No.	Applicant(s)/Patent under Reexamination
	11/903,413	OLIVER ET AL.
	SAHERA HALIM	Art Unit 2457

This is in response to the Pre-Appeal Brief Request for Review filed 3/23/2010.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
☐ The request does not include reasons why a review is appropriate.
☐ A proposed amendment is included with the Pre-Appeal Brief request.
☐ Other: .

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: *1-15, 19-22*.
Claim(s) withdrawn from consideration: _____.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) *SAHERA HALIM*. (3)_____.

(2) *Rupal D. Dharia*. (4)_____.

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457

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

ZALE Patent Law
434 Lackawanna Ave.
Suite 200
Scranton PA 18503-2053

COPY MAILED

SEP 30 2008

OFFICE OF PETITIONS

In re Application of
Otarod
Application No. 11/903,448
Filed: September 22, 2007
Attorney Docket No. 2007MAT0001 DiMethyl

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned February 22, 2008 for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed December 21, 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 3, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a replacement drawings, (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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Hideki Nagata	: DECISION ON REQUEST FOR
Patent Number	: 7604423	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/903,475	: 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 **16** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

MAILED

JUN 04 2010

OFFICE OF PETITIONS

In re Application of	:	
Hensley et al.	:	
Application No. 11/903,500	:	ON PETITION
Filed: September 20, 2007	:	
Attorney Docket No. USP3514A-AJL	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 1628 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DOCKET CLERK
P.O. DRAWER 800889
DALLAS TX 75380

COPY MAILED

MAY 2 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Paul F. Struhsaker	:	DECISION ON PETITION
Application No. 11/903,508	:	TO WITHDRAW
Filed: September 21, 2007	:	FROM RECORD
Attorney Docket No. WEST14-00149	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed December 11, 2008.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

A review of current USPTO records does not list any recorded assignment concerning the above-identified application and Mr. Michael S. Hynek 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 awaiting 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

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 AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Charles HENSLEY et al.	:	
Application No. 11/903,517	:	DECISION ON PETITION
Filed: September 20, 2007	:	
Attorney Docket No. USP3513A-AJL	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 02, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 03, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $810.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of July 02, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application file is being referred to Technology Center AU 1655 for appropriate action on the concurrently filed amendment.

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
www.uspto.gov

MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

COPY MAILED

JAN 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Benedikt **OHLIG, et al.**	:	
Application No. 11/903,632	:	DECISION GRANTING PETITION
Filed: September 24, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **1-29306**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 14, 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 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 3683 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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	: Mark Benjamin Welty	: DECISION ON REQUEST FOR
Patent Number	: 7570113	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/903,645	: 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 **64** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

D'AMBROSIO & ASSOCIATES, P.L.L.C.
10260 WESTHEIMER
SUITE 465
HOUSTON TX 77042

COPY MAILED

FEB 13 2008

OFFICE OF PETITIONS

In re Application of:	:	
Lucas et al.	:	
Application No. 11/903690	:	DECISION GRANTING
Filing or 371(c) Date: 09/24/2007	:	PETITION UNDER
Attorney Docket Number:	:	37 CFR 1.47
SEVR703STWP-CIP	:	

This Decision is in response to the petition under 37 CFR 1.47(a), filed December 21, 2007, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). See MPEP 409.03.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, James Lucas, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Initial Patent Application Processing for continued processing in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MR. JAMES LUCAS
12 SUNNINGDALE DRIVE
BLUNDELLSANDS, LIVEREPOOL L23 7AX
GB

COPY MAILED

FEB 13 2008

OFFICE OF PETITIONS

In re Application of:	:	
Lucas et al.	:	
Application No. 11/903690	:	LETTER
Filing or 371(c) Date: 09/24/2007	:	
Attorney Docket Number:	:	
SEVR703STWP-CIP	:	

Dear Mr. Lucas:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

CC: D'AMBROSIO & ASSOCIATES, P.L.L.C.
10260 WESTHEIMER
SUITE 465
HOUSTON TX 77042

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

MAR 1 2 2009

OFFICE OF PETITIONS

FISH & RICHARDSON
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

In re Application of	:	
Bobby Lewis NEAL, et al	:	
Application No. 11/903,731	:	DECISION ON PETITION
Filed: September 24, 2007	:	TO WITHDRAW
Attorney Docket No. 20603-002001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted above at items 1 and 3 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 the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ORGANIC DYESTUFFS CORPORATION
65 VALLEY STREET
EAST PROVIDENCE, RI 02914-0258

cc: FISH & RICHARDSON P.C.
225 FRANKLIN STREET
BOSTON, MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

APR 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Bobby Lewis NEAL, et al	:	
Application No. 11/903,731	:	DECISION ON PETITION
Filed: September 24, 2007	:	TO WITHDRAW
Attorney Docket No20603-002001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Timothy A. French 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 request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: BOBBY LEWIS NEAL
1588 FALCONWOOD CIRCLE
ROCK HILL, SC 29732

cc: ORGANIC DYESTUFFS CORPORATION
65 VALLEY STREET
EAST PROVIDENCE, RI 02914-0258

cc: TIMOTHY A. FRENCH
FISH & RICHARDSON P.C.
225 FRANKLIN STREET
BOSTON, MA 02110

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

HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

COPY MAILED

SEP 08 2008

OFFICE OF PETITIONS

In re Application of	:	
Wang	:	
Application No. 11/903,747	:	DECISION
Filed: 24 September, 2007	:	
Attorney Docket No. H28203	:	

This is a decision on the petition filed on 25 July, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application

The petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

A proper showing (for relief under 37 C.F.R. §1.181):

- (as to non-receipt) requires at the very minimum: a statement from practitioner stating that the Office action was not received by the practitioner; a statement from the practitioner attesting to the fact that a search of the file jacket and docket records for the application indicates that the Office action was not received with a copy of those docket records; and a brief statement of the calendaring process and a copy of the due-date (calendar) docket record(s) where the nonreceived Office action would have been scheduled for reply had it been received must be attached to and referenced in the practitioner's statement; alternatively,

- (for a showing of timely and proper reply) requires a statement from practitioner stating that the reply was timely submitted by the practitioner; and copies of all papers submitted as and/or in support of that reply, with/and a copy of the date-stamped receipt card, Office FAX receipt acknowledgement (not simply Petitioner's FAX transmittal), or

EFS receipt acknowledgment from the Office, along with practitioner's attestation as to the correctness/completeness of his/her records.

The showing(s) must include that of the person(s) with first-hand knowledge and an acknowledgment by the Petitioner that he/she has reviewed that information in compliance with his/her duty of candor to the Office.

Petitioners' attentions always are drawn to the Commentary at MPEP §711.03(c).[1]

---

[1] The Commentary at MPEP §711.03(c) provides in pertinent part:

*****

I. PETITION TO WITHDRAW HOLDING OF ABANDONMENT

A petition to revive an abandoned application (discussed below) should not be confused with a petition from an examiner's holding of abandonment. Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 C.F.R. 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 C.F.R. 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Two additional procedures are available for reviving an application that has become abandoned due to a failure to reply to an Office Action: (1) a petition under 37 C.F.R. 1.137(a) based on unavoidable delay; and (2) a petition under 37 C.F.R. 1.137(b) based on unintentional delay.

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

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).

Petitioner seeks to provide the documentation in compliance with the Commentary at MPEP §711.03(c)(A) and/or (B) as it is set forth on the website (and included for reference herein).

BACKGROUND

The record reflects that:

Applicant, failed to reply timely and properly to the Notice of Missing Parts (fees due) mailed on 23 October, 2007, with reply due absent extension of time on or before Wednesday, 26 December, 2007.

The application went abandoned by operation of law after midnight 23 December, 2007.

The Office mailed the Notice of Abandonment 30 June, 2008.

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

37 C.F.R. 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. 1.10(c), (d), (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP § 512. As stated in 37 C.F.R. 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. 1.8).

37 C.F.R. 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. 1.181(f).
Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

*****

The instant petition was filed on 25 July, 2008, with, *inter alia*, payment of fees due as the required reply and Petitioner's averment of non-receipt and search and non-discovery with a copy of the docket record for the instant application and a copy of Petitioner's due date docket for the date in question supporting the averment. Petitioner appears to comply with the guidance in the Commentary at MPEP §711.03(c), which sets forth the showing requirements herein.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[3] (See, also, the commentary at MPEP §711.03(c)(I)(A) and (B).)

And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have satisfied the showing requirements as discussed hereinabove.

CONCLUSION

The petition under 37 C.F.R. §1.181 is **granted**, and the 30 June, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

---

[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).

[3] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision—and it is noted that all inquiries with regard to that change in status should be directed to the OPAP where that change of status must be effected.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[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.

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

VANTAGE LAW PLLC
P.O. BOX 1305
ISSAQUAH WA 98027

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of
Randall Mark Foster et al.
Application No. 11/903,765
Filed: September 24, 2007
Attorney Docket No. Foster "EO"

ON PETITION

This is a decision on the petition filed March 12, 2010, to revive the above identified application under 37 CFR 1.137(a)[1].

The petition under 37 CFR 1.137(a) is **DISMISSED**.

A NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION was mailed April 9, 2009 and set the longer of one month or 30 days for reply. Since the maximum period of time obtainable for an extension of time had elapsed and since no proper reply had been received, the application became abandoned on May 10, 2009. Accordingly, a Notice of Abandonment was mailed July 17, 2009.

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. 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

---

[1]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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 § 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3), above.

SHOWING OF UNAVOIDABLE DELAY

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

Petitioner argues that the USPTO erroneously issued a "Notice of Drawing Inconsistency with the Specification" that caused abandonment coupled with the timing of an attorney death.

---

[2] 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).

To the contrary, this application is abandoned because petitioner did not follow the proper course of action which would have been to file a proper response to the NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION mailed April 9, 2009.

Petitioners are advised that in the absence of the Notice mailed April 9, 2009 being withdrawn by the USPTO, by law a proper and timely response was required. The failure to file a response to the Notice caused the application to become abandoned, not an error on the part of the USPTO in mailing the Notice in the first place.

Applicants are not afforded an opportunity to withhold a written response to an office communication even if they think the office communication mailed is in error.

Petitioners argue that the application was prepared by an attorney who passed away in the early part of 2009. With respect to the death of the attorney responsible for prosecuting the application, petitioners have not presented any evidence to show when the attorney died as it correlates to the date the Notice was mailed and the date the response was due. Further, petitioner argues:

> the notice to correct drawings was sent to the deceased attorney's office on or about April 9. It was not received during the course of transferring the deceased attorney's files to a new P.O. Box. The USPTO's notice of abandonment (sent to a new P.O. Box) was not noted as correlating to any earlier correspondence received from the USPTO. It was discovered upon subsequent review of the application file to determine why the USPTO had not issued the patent after receiving the issue fee.

Instead of an unavoidable delay, the facts presented demonstrate a lack of diligence. If the prosecuting Attorney died in early 2009, the date of which hasn't been verified, Petitioner did not act with diligence to ensure that the USPTO had an updated address where mail could be delivered. The revocation and power of attorney was not filed until June 8, 2009 and as a result, the cause of delay in responding to the Notice mailed April 9, 2009 can only be seen as an action that could have been avoided.

The showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

---

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b)[4], which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

It should be noted that if petitioner chooses to file a petition under 37 CFR 1.137(b), the $270.00 paid for the unavoidable petition under 37 CFR 1.137(a) will not be credited towards that payment. Petitioner has already received consideration under that standard and the fees are not transferable.

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

---

[4]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)).

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 24 2010

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

In re Application of	:	
Brian Paul Channell, et al.	:	
Application No. 11/903,773	:	DECISION ON PETITION
Filed: September 24, 2007	:	TO WITHDRAW
Attorney Docket No. 324212017220	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 24, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on April 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 Terri Johnson at 571-272-2991.

Terri Johnson
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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS MO 63105

COPY MAILED
JAN 1 1 2010

In re Application of	:	
Jason M STEPHENS et al	:	
Application No. 11/903,787	:	DECISION ON PETITION
Filed: September 25, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 90307-8800601 (307-88006US1)	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2), filed December 11, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102(c)(2) and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice

before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 5 as explained below.

Indeed, the instant petition states that the claims are directed to embodiments of an invention that materially enhance the quality of the environment, or that materially contribute to the discovery or development of renewable energy resources, the more efficient utilization and conservation of energy resources, or greenhouse gas emission reduction. However, the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B). As stated in section III of the Notice, applicant must provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Olisa Anwah at 571-272-4914.

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 1793 for action in its regular turn.

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
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/903,787	09/25/2007	Jason M. Stephens	90307-8800601 (307-88006U	2110

38790 7590 02/04/2010
THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS, MO 63105

EXAMINER
HA, STEVEN S

ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
02/04/2010	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):

Docket@splglaw.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

THE SMALL PATENT LAW GROUP LLP
225 S. MERAMEC, STE. 725T
ST. LOUIS MO 63105

FEB 04 2010

In re Application of	:	
Jason M. Stephens et al.	:	DECISION ON PETITION
Application No. 11/903,787	:	TO MAKE SPECIAL UNDER
Filed: September 25, 2007	:	THE GREEN TECHNOLOGY
Attorney Docket No. 90307-8800601 (307-88006U	:	PILOT PROGRAM

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 pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

COPY MAILED

MAY 2 3 2008

OFFICE OF PETITIONS

In re Application of Gjokaj Application No. 11/903,802 Filed: September 10, 2007 Attorney Docket No. 8970-000001	: : : : :	DECISION GRANTING PETITION

This is a decision on the petition, filed September 25, 2007, under 37 CFR 1.10(e) for retroactive filing date.

The petition under 37 CFR 1.10(e) is **granted**.

Petitioner contends that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail service on September 10, 2007, but was subsequently misrouted while in transit to the USPTO. Applicant has submitted a copy of the prior-filed application and requests a September 10, 2007 filing date for the application.

Paragraph (e) of 37 CFR 1.10 states that:

Any person mailing correspondence addressed as set out in 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS, but not received by the Office, may petition the Director to consider such correspondence as filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";
(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other

official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

Petitioner has provided evidence that Express Mail label no. EV755419224US was listed on the Utility Patent Application Transmittal purportedly deposited in Express Mail service on September 10, 2007. Petitioner has provided his customer copy of Express Mail label no. EV755419224US that shows the USPS was in possession of the package on "9 10 07".

In view of the above, the petition is **GRANTED**. The application was entrusted to an employee of the USPS on September 10, 2007 and is entitled to a filing date of September 10, 2007.

With respect to the petition under 37 CFR 1.13(b), which was filed within the present petition: 137(b) does not apply when an application is not abandoned. This application is not abandoned. If the petition had been filed in the provisional application, it would not have been granted because an applicant has 1 year to file a nonprovisional application claiming benefit to a provisional application. The period is set by statute and is not extendable. Thus continuity between the two applications would not have been granted.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing, for assigning a filing date of **September 10, 2007**, and for issuance of a filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3230. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

Mail Date: 04/21/2010

Applicant	: Brant L. Candelore	: DECISION ON REQUEST FOR
Patent Number	: 7602912	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/903,809	: 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 **226** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA, CA 91356-3346

MAILED

MAR 3 1 2009

OFFICE OF PETITIONS

In re Application of :
Herbert D. Huddleston :
Application No. 11/903,829 : ON PETITION
Filed: September 24, 2007 :
Attorney Docket No. 48170.003 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed October 22, 2007. A Notice of Abandonment was mailed on June 27, 2008: On January 20, 2009, the present petition was filed.

The petition complies with the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the additional claim fees, (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1].

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing.

Telephone inquires related to this decision should be directed to 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

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PHILLIPS LYTLE LLP
INTELLECTUAL PROPERTY GROUP
3400 HSBC CENTER
BUFFALO, NY 14203-3509

COPY MAILED

APR 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Russell W. Bessette, et al.	:	
Application No. 11/903,846	:	DECISION ON PETITION
Filed: September 25, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 11207.2 (Bessette et al.)	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 19, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from applicant's attorney that he is in possession of proof of applicant Russell W. Bessette's age. 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 3626 to await a reply to the Office action mailed April 3, 2009.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

COPY MAILED

JUL 0 9 2008

OFFICE OF PETITIONS

In re Application of	:	
Nicole A. RINGHAM, et al	:	
Application No. 11/903,861	:	DECISION ON PETITION
Filed: November 26, 2007	:	TO WITHDRAW
Attorney Docket No. NR01-01U	:	FROM RECORD
	:	

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 1, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Kirk A. Buhler on behalf of all the attorneys/agents associated with Customer Number 37038.

All attorneys/agents associated with Customer Number 37038 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence 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 undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: NICOLE A. RINGHAM
43282 MODENA DRIVE
TEMECULA, CA 92592

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

NICOLE A. RINGHAM
43282 MODENA DRIVE
TEMECULA CA 92592

COPY MAILED
JAN 15 2009

In re Application of	:	
Nicole A. RINGHAM, et al	:	
Application No. 11/903,861	:	DECISION ON PETITION
Filed: September 26, 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 December 2, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant Carole Kay Ringham drivers 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 2165 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 309
NEW YORK NY 10038

COPY MAILED
DEC 16 2008

In re Application of	:	
Shin Lin Huang	:	
Application No. 11/903885	:	
Filing or 371(c) Date: 09/25/2007	:	
Attorney Docket Number:	:	DECISION
17377 B (5720 JS)	:	ON PETITION

This is a decision on the "Petition to the Commissioner for Patents," filed October 27, 2008, requesting the application be accorded a filing date of September 25, 2007. The petition is properly treated under 37 CFR 1.53(e).

The petition is granted.

The application was filed on September 25, 2007. On October 3, 2008, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the specification was missing.

Applicant responds with the present petition and avers that the application as-filed on September 25, 2007, included eight (8) sheets of specification, including claims 1-8 on pages 6 and 7, and including an Abstract on page 8, and four (4) sheets of drawing Figures 1, 2, 3 and 4. In support of this assertion, Applicant files a copy of a return-receipt postcard, acknowledging receipt by this Office of, *inter alia*, eight sheets of specification, four (4) sheets of drawings, eight (8) claims and one (1) independent claim on September 25, 2007.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

In view of the above, the Notice mailed October 3, 2008, was mailed in error and is hereby withdrawn.

A refund of the petition fee has been scheduled via Treasury Check[1].

The copy of eight sheets of specification, including eight (8) claims, and four (4) sheets of drawings, filed with the present petition, will be used for examination purposes.

This application is being forwarded to the Office of Patent Application Processing, Customer Corrections, for further processing,

- with the filing date of September 25, 2007,

- and an indication that eight sheets of specification, including eight (8) claims, and four (4) sheets of drawings were present on September 25, 2007, using the eight sheets of specification, including eight (8) claims, and four (4) sheets of drawings filed with the present petition,

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

[1] The Office was unable to refund the petition fee to deposit account 04-1435.

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

CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK NY 10038

COPY MAILED
MAR 2 7 2008
OFFICE OF PETITIONS

In re Application of	:	
Tu Chen Lee	:	
Application No. 11/903887	:	
Filing or 371(c) Date: 09/25/2007	:	
Attorney Docket Number:	:	DECISION
17379 B (5701 SF)	:	ON PETITION

This is a decision on the "Petition to Accord a Filing Date Pursuant to 37 CFR 1.53(e) and to Refund Petition Fee," filed February 13, 2008, requesting the above-identified application be accorded a filing date of September 25, 2007.

The petition is granted.

The application was filed on September 25, 2007. On January 18, 2008, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the specification was missing, and as a result the specification did not include at least one claim.

Applicant responds with the instant petition and avers that the application as-filed on September 25, 2007 included six (6) sheets of specification. In support of this assertion, Applicant files a copy of his return-receipt postcard acknowledging receipt six (6) sheets of specification, three (3) sheets of drawings, and an Assignment Document and Recordation Coversheet by this Office on September 25, 2007.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

In view of the above, the Notice mailed January 18, 2007, was mailed in error and is hereby withdrawn.

A refund of the petition fee has been scheduled via Treasury Check[1].

The copy of six (6) pages of specification; including 1 page of claims and 1 page of abstract, three (3) sheets of drawings, and an Assignment Document and Recordation Coversheet filed with the present petition, will be used for examination purposes.

Receipt of the oath/declaration is also acknowledged.

This application is being forwarded to the Office of Patent Application Processing, Customer Corrections, for further processing,

- with the filing date of September 25, 2007,

- an indication that six (6) pages of specification; including 1 page of claims, 1 page of abstract, three (3) sheets of drawings, and an Assignment Document and Recordation Coversheet were present on September 25, 2007, using six (6) pages of specification; including 1 page of claims and 1 page of abstract, three (3) sheets of drawings, and an Assignment Document and Recordation Coversheet filed with the present petition on February 13, 2008,

- and for processing of the oath/declaration (including charging the late filing fee oath/declaration as authorized in the Fee Transmittal filed with the application papers on September 25, 2007), and power of attorney filed February 13, 2008.

Telephone inquiries concerning this matter should be directed to the undersigned at (571-272-3232.

Derek L. Woods
Attorney
Office of Petitions

[1] The Fee Transmittal filed with the application papers on September 25, 2007 does not authorize this Office to credit any overpayments to the deposit account.

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

FRENKEL & ASSOCIATES PC
3975 UNIVERSITY DR
SUITE 330
FAIRFAX VA 22030

COPY MAILED
DEC 26 2007
OFFICE OF PETITIONS

In re Application of	:	
Suzuki, et al.	:	
Application No. 11/903,904	:	ON PETITION
Filed: September 25, 2007	:	
Attorney Docket No. SDF 07-21	:	

This is a decision on the "Petition Under 37 CFR 1.110(c)", filed October 11, 2007, which is being treated as a petition under 37 CFR 1.10(c) to accord the above identified application a filing date of September 25, 2007.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was filed on September 25, 2007, not September 26, 2007.
of April 2, 2007.

37 CFR 1.10(c) states that any person filing correspondence under 37 CFR 1.10, who can show that there is a discrepancy between the filing date accorded by the Office and the date of deposit as shown by the "date-in" on the Express Mail mailing label may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the Express Mail mailing label, provided:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
(2) The number of the "Express Mail" mailing label was placed on the paper(s)or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in", and of any other official notation by the USPS relied upon to show the date of deposit.

Here, petitioner has not submitted a true copy of the "Express Mail" mailing label. However, petitioner has included a copy of a USPS "Track and Confirm" page, indicating that Express Mail mailing label number EO 938 812 975 US was accepted on September 25, 2007. A review of the application papers reveals that the transmittal letter bore the same Express Mail mailing label number.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

Further review of the application reveals that it was filed without drawings. However, drawings are not necessary for an application to be accorded a filing date where the application contains claims directed to a process or method. The instant application contains method claims. Accordingly, the Office will mail a Notice of Omitted Items, indicating that while the application has been accorded a filing date of September 25, 2007, the application was filed without drawings.

The application file is being forwarded to the Office of Patent Application Processing for:

- **correction of the filing date to September 25, 2007;**
- **indication in Office records, as appropriate, that "0" sheets of drawings were present on filing;**
- **preparation of a Notice of Omitted Items, and**
- **issuance of a filing receipt.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

COPY MAILED

MAR 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Kondo et al.	:	
Application No. 11/903,940	:	DECISION ON PETITION
Filed: September 25, 2007	:	
Attorney Docket No. 30542/43252	:	

This is a decision on the "Petition under 37 CFR 1.57(a)," filed December 21, 2007.

On September 25, 2007, applicants filed the above-identified application. On October 24, 2007, the Office of Patent Application Processing mailed applicants a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of September 25, 2007, and advising applicants that Figure 7 described in the specification appeared to have been omitted.

On December 21, 2007, applicants submitted the present petition, a $400.00 petition fee, a copy of International Application No. PCT/JP2006/305910 (including 4 pages of drawings (Figures 1-7) following page 16 of the specification), an English translation, and an amended Application Data Sheet (ADS). Additionally, applicants filed an amendment to the drawings to include the inadvertently omitted figure and a new drawing sheet of Figure 7. Applicants assert that Figure 7 was incorporated by reference under 37 CFR 1.57(a) by virtue of the claim under 37 CFR 1.78 for the benefit of International Application No. PCT/JP2006/305910 filed March 24, 2006.

As stated in MPEP 201.17(I):

> 37 CFR 1.57(a) provides that, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application 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 inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim for priority or benefit shall be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawings.

Therefore, if a continuation, divisional, or continuation-in-part application, as originally filed on or after September 21, 2004, does not include an explicit incorporation by reference statement in the specification, and is entitled to a filing date despite the inadvertent omission of a portion of the prior application(s), an applicant may be permitted to add the omitted material by filing an amendment under 37 CFR 1.57(a) within the time period set by the Office. See 37 CFR 1.57(a)(1) and MPEP 201.06(c)(IV). The amendment should be by way of a preliminary amendment and must comply with the requirements of 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP 201.17. In instances where 37 CFR 1.57(a) has been complied with and the application is otherwise entitled to a filing date, no petition is required and the amendment to include the inadvertently omitted item(s) will be considered by the examiner.

A review of the record indicates that the above-identified application as originally filed on September 25, 2007, which was entitled to a filing date, did not include an explicit incorporation by reference statement in the specification. Applicants aver that the present application contains a claim under 37 CFR 1.78 for the benefit of PCT/JP2006/305910, filed March 24, 2006. However, the ADS on filing contains a claim under 37 CFR 1.78 for the benefit of PCT/JP2006/305810[1] (not PCT/JP2006/305910).[2] Applicants should note that if an inconsistency exists between the ADS and the other application papers, the ADS will control. MPEP 601.05; 37 CFR 1.76(d)(2).

Accordingly, the present petition is DISMISSED.

Since petitioners filed the present petition and amendment with the assumption that the benefit claim was proper, the amendment filed December 21, 2007, will not be entered. If petitioners desire to amend the application to have the amendment entered, then a reply must be made with a specific request for the entry of the amendment within two months of the date of this decision. THIS TWO MONTH PERIOD IS EXTENDABLE UNDER 37 CFR 1.136(a) or (b). Entry of the amendment will result in the filing date of this application being December 21, 2007.

Telephone inquiries regarding this decision should be directed to Christina Tartera Donnell at (571) 272-3211.

Charles A. Pearson
Director
Office of Petitions

[1] The Office notes that International Application No. PCT/JP2006/305810 was filed on March 23 2006.

[2] Additionally, the ADS includes a claim for priority under 37 CFR 1.55 to Japanese Application No. 2005-088219, filed March 25, 2005. Furthermore, the declaration submitted on filing contains a claim for foreign priority to Japanese Application No. 2005-088219, filed March 25, 2005, as well as a claim for the benefit of PCT/JP2006/305910, filed March 24, 2006.

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

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

COPY MAILED

SEP 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Kondo et al.	:	
Application No. 11/903,940	:	DECISION ON PETITION
Filed: September 25, 2007	:	
Attorney Docket No. 30542/43252	:	

This is a decision on the "RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.57(a)," filed April 24, 2008.

The petition is GRANTED-IN-PART to the extent indicated herein.

On September 25, 2007, applicants filed the above-identified application. On October 24, 2007, the Office of Patent Application Processing mailed applicants a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of September 25, 2007, and advising applicants that Figure 7 described in the specification appeared to have been omitted.

On December 21, 2007, applicants submitted a petition under 37 CFR 1.57(a), a $400.00 petition fee, a copy of International Application No. PCT/JP2006/305910 (including 4 pages of drawings (Figures 1-7) following page 16 of the specification), an English translation, and an amended Application Data Sheet (ADS). Additionally, applicants filed an amendment to the drawings to include the inadvertently omitted figure and a new drawing sheet of Figure 7. In the petition, applicants asserted that Figure 7 was incorporated by reference under 37 CFR 1.57(a) by virtue of the claim under 37 CFR 1.78 for the benefit of International Application No. PCT/JP2006/305910 filed March 24, 2006.

On March 3, 2008, the Office issued a decision dismissing the petition under 37 CFR 1.57(a). Specifically, the decision noted that the ADS on filing contained a claim under 37 CFR 1.78 for the benefit of PCT/JP2006/305810[1] (not PCT/JP2006/305910).[2] The Office reminded applicants

[1] The Office notes that International Application No. PCT/JP2006/305810 was filed on March 23, 2006.

that if any inconsistency exists between the ADS and the other application papers, the ADS will control. MPEP 601.05; 37 CFR 1.76(d)(2). The decision further indicated that the amendment filed December 21, 2007, would not be entered because applicants filed the petition and the amendment with the assumption that the benefit claim was proper. Lastly, the decision set a two month extendable period for which applicants could request entry of the amendment of December 21, 2007, resulting in the application being accorded the later filing date of December 21, 2007.

On April 24, 2008, applicants filed the present renewed petition. On renewed petition, applicants seek to correct the typographical error of the prior-filed PCT application as identified in their Application Data Sheet (ADS) of September 25, 2007, so that they may be entitled to its priority date of March 24, 2006, and a filing date of September 25, 2007. Applicants request that the Office issue a corrected filing receipt to include the benefit claim to Application No. PCT/JP2006/305910 filed March 24, 2006, as well as a filing date of September 25, 2008. With the present renewed petition, applicants submitted a supplemental ADS correcting the domestic priority information.

Additionally, applicants request that the application be accorded the filing date of September 25, 2007, including Figure 7 as part of the application. In support of their request, applicants assert:

> ... The typographical error listing the incorrect priority application number in the prior ADS document and its resultant inconsistency notwithstanding, Petitioner asserts that in accordance with 37 CFR 1.57(g)(1)(2), the intent to establish a proper claim for priority based on incorporation by reference is clear from all of the documents submitted including the executed declaration. The Office itself recognized that the present petition and amendment were "filed with the assumption that the benefit claim was proper" and did not enter the amendment to get Figure 7 deemed present on the filing date of September 25, 2007.
>
> In compliance with 37 CFR 1.57, submitted with the preliminary amendment were a copy of International Application No. PCT/JP2006/305910 filed March 24, 2006 which clearly and expressly contains 4 pages of drawings including Figures 1-7 following page 16 of the specification and an English translation. The preliminary amendment clearly identified where omitted Figure 7 was referenced in the specification. Figure 7 was thus expressly present and completely contained on the filing date of the application, September 25, 2007, as required under 37 CFR 1.57(a) and does not constitute new matter. The Patent Office recognized this in stating in the Notice of Omitted Items that the item omitted from the application was "Figure 7

[2] Additionally, the ADS included a claim for priority under 37 CFR 1.55 to Japanese Application No. 2005-088219, filed March 25, 2005. Furthermore, the declaration submitted on filing contained a claim for foreign priority to Japanese Application No. 2005-088219, filed March 25, 2005, as well as a claim for the benefit of PCT/JP2006/305910, filed March 24, 2006.

as described in the specification,"--the specification consisting of the International Publication and an English Translation.

In light of the above, Petitioner believes that this application is entitled to the original filing date of September 25, 2007 including Figure 7 as part of the application. In the event the Office concurs, the enclosed amendment under 37 CFR 1.82 canceling Figure 7 and references thereto in the specification should not be entered.

In the alternative, applicants request that the application be accorded a filing date of September 25, 2007, with Figures 1-6 as present on filing with the certified copy of the foreign priority document and the international application and English translation as intended for the purposes of receiving a filing date of September 25, 2007. Applicants state that if their alternative request is granted, they request entry of the amendment under 37 CFR 1.82, filed April 24, 2008, canceling Figure 7 and references thereto in the specification.

Initially, the Office notes that applicants must submit a petition under 37 CFR 1.78(a)(3) to accept the unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for the benefit of priority to prior-filed Application No. PCT/JP2006/305910. A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. 120 and 365(c) 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 Office notes that the Application Data Sheet submitted with the renewed petition does not comply with 37 CFR 1.33(b) as it is not signed.[3] Therefore, applicants must file a petition under 37 CFR 1.78(a)(3) accompanied by a supplemental Application Data Sheet or a substitute amendment complying with 37 CFR 1.121, 37 CFR 1.76(b)(5) and 37 CFR 1.33(b).

Next, the Office has considered applicants' arguments in support of their request to accord the application a filing date of September 25, 2007, with Figure 7 as part of the application; however, they are not persuasive.

---

[3] The Office notes that 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 an application must be signed by an appropriate party. Therefore, an ADS, supplemental ADS, or a substitute amendment submitted after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

As stated in MPEP 201.17(I):

> 37 CFR 1.57(a) provides that, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application 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 inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim for priority or benefit shall be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawings.

(Emphasis added). Therefore, if a continuation, divisional, or continuation-in-part application, as originally filed on or after September 21, 2004, does not include an explicit incorporation by reference statement in the specification, and is entitled to a filing date despite the inadvertent omission of a portion of the prior application(s), an applicant may be permitted to add the omitted material by filing an amendment under 37 CFR 1.57(a) within the time period set by the Office. See 37 CFR 1.57(a)(1) and MPEP 201.06(c)(IV). The amendment should be by way of a preliminary amendment and must comply with the requirements of 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP 201.17. In instances where 37 CFR 1.57(a) has been complied with and the application is otherwise entitled to a filing date, no petition is required and the amendment to include the inadvertently omitted item(s) will be considered by the examiner.

However, in this instance, applicants have not complied with all of the requirements of 37 CFR 1.57(a). Specifically, the benefit claim under 37 CFR 1.78 of the prior-filed application must have been present on the filing date of the later-filed application in order for it to be considered an incorporation by reference of the prior-filed application under 37 CFR 1.57(a). See MPEP 201.07(II)(C). As this condition has not been meet, applicants cannot obtain relief under 37 CFR 1.57(a) to amend the application to include Figure 7 as part of the application with a filing date of September 25, 2007.

Furthermore, the Office finds that applicants' reliance on 37 CFR 1.57(g) is misplaced. 37 CFR 1.57(g) permits the correction of an incorporation by reference that does not comply with 37 CFR 1.57(b), (c), or (d). For example, 37 CFR 1.57(g) authorizes the correction of noncompliant incorporation by reference statements that do not use the root of the words "incorporate" and "reference" in the incorporation by reference statement. MPEP 608.01(p)(I)(A). Any relief provided by 37 CFR 1.57(g) does not apply to noncompliance with the requirements of 37 CFR 1.57(a).

In view of the above, the Office will grant applicants' alternative request. The application will be accorded a filing date of September 25, 2007, with Figures 1-6 only. The amendment under 37 CFR 1.82, filed April 24, 2008, canceling Figure 7 and references thereto in the specification will be entered.

This application will be returned to the Office of Patent Application Processing to accord the application a filing date of September 25, 2007, with Figures 1-6 only, and to mail a corrected filing receipt showing that 6 figures were present on filing.

Inquiries regarding this decision should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Anthony Knight
Supervisor
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

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

Mail Date: 04/21/2010

Applicant	: Jay M. Francisco	: DECISION ON REQUEST FOR
Patent Number	: 7578369	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/903,973	: 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 **34** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Michael Gall	: DECISION ON REQUEST FOR
Patent Number	: 7668676	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/903,981	: 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 **17** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

COPY MAILED

OCT 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Tremper et al.	:	
Application No. 11/903,985	:	ON PETITION
Filed: September 25, 2007	:	
Attorney Docket No. FA1540USNA	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 30, 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.

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
www.uspto.gov

Paper No.

KEVIN E. MC VEIGH
RHODIA INC.
CN 7500, 8 CEDAR BROOK DRIVE
CRANBURY NJ 08512

COPY MAILED
AUG 25 2008
OFFICE OF PETITIONS

In re Application of	:	
James F. Griffin et al.	:	
Application No. 11/903,999	:	DECISION ON PETITION
Filed: September 25, 2007	:	PURSUANT TO
Attorney Docket No. RD 06017	:	37 C.F.R. § 1.78(A)(6)
Title: STRUCTURED SURFACTANT	:	
SYSTEM	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(6), filed August 1, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment to the specification.

The petition is **DISMISSED AS MOOT**.

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. While a reference to the prior-filed nonprovisional and provisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the declaration filed with the application.

Where a claim for priority under 37 C.F.R. § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the

application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 C.F.R. §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 C.F.R. §§ 1.78(a)(3) and 1.78(a)(6).[1] In the present case, the Office noted the claim for priority to the prior-filed applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

In view of the above, the petition fee is unnecessary and has not been charged to Petitioner's Deposit Account.

The application is being forwarded to Technology Center AU 1796 for appropriate action on the amendment filed July 21, 2008, including consideration by the examiner of the claim under 35 U.S.C. § 119(e) for the benefit of priority to the prior-filed provisional application.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[2] All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

---

1 *Note* MPEP § 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.
2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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

ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

Mail Date: 04/21/2010

Applicant	: Allen Chan	: DECISION ON REQUEST FOR
Patent Number	: 7602212	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/904,003	: 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 **58** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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.

NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

COPY MAILED

MAR 0 4 2008

OFFICE OF PETITIONS

In re Application of :
Peter M. Nordling et al. :
Date of Deposit: September 25, 2007 :
Application No. 11/904,076 :
Attorney Docket Number: 20050256.ORI :
Title: METHOD AND APPARATUS FOR CONTINUOUS MOTION TIPPING OF TIP-ON PRODUCTS ONTO CONTINUOUSLY MOVING BASE PRODUCTS :

DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.57

This is a decision on the "PETITION UNDER 37 CFR 1.182," filed November 1, 2007, requesting that the above-identified application, including 22 pages of specification and 4 pages of claims, be accorded a filing date of September 25, 2007, as part of the original disclosure. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.57.

The petition is **DISMISSED**.

The application was deposited on September 25, 2007. However, on October 26, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the deposit of a specification and at least one claim. The notice set a two-month period of reply.

It is noted that although a specification was not deposited on filing, Applicant did include a preliminary amendment to the specification, inserting the sentence "[t]his application is a continuation of prior P.C.T. Application PCT/US2006/011274, filed 28 March 2006."

In response to the notice, on November 1, 2007, applicants filed the present petition. Petitioner has included, *inter alia*, the petition fee, 22 pages of specification and 4 pages of claims (it is noted that the present application is a continuation of prior-filed P.C.T. Application PCT/US2006/011274).

Petitioner has filed this petition, seeking the entry of 22 pages of specification and 4 pages of claims, and has requested that both they and the present application be accorded a filing date of September 25, 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, 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** (emphasis added) 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).

M.P.E.P § 201.06(c)(IV)(A) sets forth, *in pertinent part*:

> 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** (emphasis added) 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.

As set forth above, the present application claims the benefit of prior-filed P.C.T. Application PCT/US2006/011274. Although the preliminary amendment to the specification that was presented on filing does not incorporate the contents of this prior-filed application by reference, pursuant to Rule § 1.57, the application as filed is considered to have incorporated by reference the prior-filed non-provisional application as to the inadvertently omitted specification and claims.

In view of the incorporation by reference of the prior-filed P.C.T. application, the specification and claims that were supplied concurrently with this petition would not constitute new matter if they were part of the original disclosure of the prior-filed P.C.T. application.

With this petition, Petitioner has submitted a copy of 22 pages of specification and 4 pages of claims, however, it does not appear that Petitioner has submitted an amendment directing the entry of the specification and claims of the prior-filed application, as required by 37 C.F.R. 1.57(a)(2) and M.P.E.P. § 201.06(c)(IV)(A)[1]. As such, this petition cannot be granted.

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.

Petitioner may wish to consider submitting an amendment that directs the entry of the specification and claims along with the renewed petition.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be

---

1 See also 37 C.F.R. § 1.121(a).

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.

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

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

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.

NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

COPY MAILED

MAY 1 2 2008

OFFICE OF PETITIONS

In re Application of
Peter M. Nordling et al.
Date of Deposit: September 25, 2007
Application No. 11/904,076
Attorney Docket Number: 20050256.ORI
Title: METHOD AND APPARATUS FOR CONTINUOUS MOTION TIPPING OF TIP-ON PRODUCTS ONTO CONTINUOUSLY MOVING BASE PRODUCTS

DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.57

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.57 filed March 14, 2007, requesting that the above-identified application, including 22 pages of specification and 4 pages of claims, be accorded a filing date of September 25, 2007.

An original petition that was treated pursuant to Rule 1.57 was filed on filed November 1, 2007, and was dismissed via the mailing of a decision on March 4, 2008.

The application was deposited on September 25, 2007. However, on October 26, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the deposit of a specification and at least one claim. The notice set a two-month period of reply.

It is noted that although a specification was not deposited on filing, Applicant did include a preliminary amendment to the specification, inserting the sentence "[t]his application is a continuation of prior P.C.T. Application PCT/US2006/011274, filed 28 March 2006."

In response to this notice, Petitioner submitted the original petition, and included, *inter alia*, the petition fee, 22 pages of specification and 4 pages of claims (it is noted that the present application is a continuation of prior-filed P.C.T. Application PCT/US2006/011274). Petitioner sought the entry of 22 pages of specification and 4 pages of claims, and requested that both they and the present application be accorded a filing date of September 25, 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, 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** (emphasis added) 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).

M.P.E.P § 201.06(c)(IV)(A) sets forth, *in pertinent part*:

> 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** (emphasis added) 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.

The decision on the original petition set forth, *in pertinent part*:

> As set forth above, the present application claims the benefit of prior-filed P.C.T. Application PCT/US2006/011274. Although the preliminary amendment to the specification that was presented on filing does not incorporate the contents of this prior-filed application by reference, pursuant to Rule § 1.57, the application as filed is considered to have incorporated by reference the prior-filed non-provisional application as to the inadvertently omitted specification and claims.
>
> In view of the incorporation by reference of the prior-filed P.C.T. application, the specification and claims that were supplied concurrently with this petition would not constitute new matter if they were part of the original disclosure of the prior-filed P.C.T. application.
>
> With this petition, Petitioner has submitted a copy of 22 pages of specification and 4 pages of claims, however, it does not appear that Petitioner has submitted an amendment directing the entry of the specification and claims of the prior-filed application, as required by 37 C.F.R. 1.57(a)(2) and M.P.E.P. § 201.06(c)(IV)(A)[1]. As such, this petition cannot be granted.

Consequently, the original petition was dismissed due to the fact that Petitioner failed to submit an amendment, directing the entry of the 22 pages of specification and 4 pages of claims that were not submitted on filing.

With this renewed petition, Petitioner has submitted an amendment directing the entry of the specification and claims. However, <u>Petitioner has further amended the priority claim, inserting an incorporation by reference statement that was not present on filing</u>. This addition to the benefit claim is not acceptable since it improperly incorporates by reference the prior-filed international application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not

---

1 <u>See also</u> 37 C.F.R. § 1.121(a).

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).

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.

Petitioner may wish to consider submitting an amendment along with the second renewed petition that directs the entry of the specification and claims, and does not improperly insert an incorporation by reference statement to the benefit claim.

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[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.

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

---

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

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.

NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

COPY MAILED
AUG 18 2008
OFFICE OF PETITIONS

In re Application of Peter M. Nordling et al. Date of Deposit: September 25, 2007 Application No. 11/904,076 Attorney Docket Number: 20050256.ORI Title: METHOD AND APPARATUS FOR CONTINUOUS MOTION TIPPING OF TIP-ON PRODUCTS ONTO CONTINUOUSLY MOVING BASE PRODUCTS	:	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 May 30, 2008, requesting that the above-identified application, including 22 pages of specification and 4 pages of claims, be accorded a filing date of September 25, 2007.

This second renewed petition is **DISMISSED**.

The application was deposited on September 25, 2007. However, on October 26, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the deposit of a specification and at least one claim. The notice set a two-month period of reply.

It is noted that although a specification was not deposited on filing, Applicant did include a preliminary amendment to the specification, inserting the sentence "[t]his application is a continuation of prior P.C.T. Application PCT/US2006/011274, filed 28 March 2006."

In response to this notice, Petitioner submitted an original petition on November 1, 2007 that was treated pursuant to Rule 1.57, and included, *inter alia*, the petition fee, 22 pages of specification and 4 pages of claims (it is noted that the present application is a continuation of prior-filed P.C.T. Application PCT/US2006/011274). Petitioner sought the entry of 22 pages of specification and 4 pages of claims, and requested that both they and the present application be accorded a filing date of September 25, 2007, as part of the original disclosure.

The original petition pursuant to 37 C.F.R. § 1.57 was dismissed via the mailing of a decision on March 4, 2008, for although Petitioner submitted a copy of 22 pages of specification and 4 pages of claims, he did not include an amendment directing the entry of the same, as required by 37 C.F.R. 1.57(a)(2) and M.P.E.P. § 201.06(c)(IV)(A)[1].

A renewed petition pursuant to 37 C.F.R. § 1.57 was filed on March 14, 2008, and was dismissed via the mailing of a decision on May 12, 2008, for Petitioner submitted an amendment that contained an improper incorporation by reference statement that was not present on filing.

With this second renewed petition, Petitioner has submitted an amendment to the specification in an attempt to delete the improper incorporation by reference statement that was contained within the amendment of March 14, 2008. However, **this amendment cannot be entered**, as it does not comply with 37 C.F.R. §§ 1.121(b)(1)(i) or (ii).

37 C.F.R. § 1.121(b) sets forth, *in pertinent part*:

> (b) Specification. Amendments to the specification, other than the claims, computer listings (§ 1.96) and sequence listings (§ 1.825), must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in this section.
> (1) Amendment to delete, replace, or add a paragraph. Amendments to the specification, including amendment to a section heading or the title of the invention which are considered for amendment

1 See also 37 C.F.R. § 1.121(a).

> purposes to be an amendment of a paragraph, must be made by submitting:
> (i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs;
> (ii) The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived;

Petitioner has requested that a benefit claim be added to the specification, however **Petitioner has not replaced/deleted the preveniently submitted benefit claim that contains an improper incorporation by reference statement.**

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. § 1.57." This is not a final agency action within the meaning of 5 U.S.C § 704.

Petitioner may wish to consider submitting an amendment along with the third renewed petition that either:

- directs the **replacement** of the paragraph submitted on March 14, 2008 that contains the improper incorporation by reference statement with a paragraph that does not contain an improper incorporation by reference statement, pursuant to 37 C.F.R. § 1.121(b)(1)(i) or;
- directs the **deletion** of the improper incorporation by reference statement that is present within the paragraph submitted on March 14, 2008, pursuant to 37 C.F.R. § 1.121(b)(1)(ii).

The third renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[2], hand-delivery[3], or facsimile[4]. Registered

---

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.

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.

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

5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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.

NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

RECEIVED

DEC 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Peter M. Nordling et al.	:	
Filed: September 25, 2007	:	DECISION ON THIRD
Application No. 11/904,076	:	RENEWED PETITION
Attorney Docket Number:	:	PURSUANT TO
20050256.ORI	:	37 C.F.R. § 1.57
Title: METHOD AND APPARATUS FOR	:	
CONTINUOUS MOTION TIPPING OF	:	
TIP-ON PRODUCTS ONTO	:	
CONTINUOUSLY MOVING BASE	:	
PRODUCTS	:	

This is a decision on the third renewed petition pursuant to 37 C.F.R. § 1.57, filed August 25, 2008, requesting that the above-identified application, including 22 pages of specification and four pages of claims, be accorded a filing date of September 25, 2007.

This third renewed petition is **GRANTED**.

The application was deposited on September 25, 2007. However, on October 26, 2007, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the deposit of a specification and at least one claim. The notice set a two-month period of reply.

It is noted that although a specification was not deposited on filing, Applicant did include a preliminary amendment to the specification, inserting the sentence "[t]his application is a continuation of prior P.C.T. Application PCT/US2006/011274, filed 28 March 2006."

In response to this notice, Petitioner submitted an original petition on November 1, 2007 that was treated pursuant to Rule 1.57, and included, *inter alia*, the petition fee, 22 pages of specification and 4 pages of claims (it is noted that the present application is a continuation of prior-filed P.C.T. Application PCT/US2006/011274). Petitioner sought the entry of 22 pages of specification and 4 pages of claims, and requested that both they and the present application be accorded a filing date of September 25, 2007, as part of the original disclosure.

The original petition pursuant to 37 C.F.R. § 1.57 was dismissed via the mailing of a decision on March 4, 2008, for although Petitioner submitted a copy of 22 pages of specification and 4 pages of claims, he did not include an amendment directing the entry of the same, as required by 37 C.F.R. 1.57(a)(2) and M.P.E.P. § 201.06(c)(IV)(A)[1].

A renewed petition pursuant to 37 C.F.R. § 1.57 was filed on March 14, 2008, and was dismissed via the mailing of a decision on May 12, 2008, for Petitioner submitted an amendment that contained an improper incorporation by reference statement that was not present on filing.

A second renewed petition was filed on May 30, 2008, and was dismissed via the mailing of a decision on August 18, 2008: Petitioner submitted an amendment to the specification in an attempt to delete the improper incorporation by reference statement that was contained within the amendment of March 14, 2008. However, the amendment could not be entered, as it failed to comply with 37 C.F.R. §§ 1.121(b)(1)(i) or (ii): the amendment did not replace/delete the preveniently submitted benefit claim that contains an improper incorporation by reference statement.

With this third renewed petition, <u>Petitioner has submitted an acceptable amendment to the specification that replaces the preveniently submitted benefit claim and has deleted the improper incorporation by reference statement</u>.

---

1 <u>See also</u> 37 C.F.R. § 1.121(a).

The Office of Patent Application Processing (OPAP) will be advised of this decision. OPAP will **accord this application a filing date of September 25, 2007**, including the papers which were deposited on this date, as well as the 22 pages of specification and four pages of claims from the foreign application to which benefit is claimed, supplied on November 1, 2007. Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[2]

Anthony Knight
Supervisor
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 of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

AUG 06 2009

OFFICE OF PETITIONS

RYNDAK & SURI LLP
200 W. MADISON STREET
SUITE 2100
CHICAGO, IL 60606

In re Application of	:	
Sam Harwell Patterson	:	
Application No. 11/904,097	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO WITHDRAW
Attorney Docket No. 40335-10101	:	FROM RECORD
	:	

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 Eric H. Weimers on behalf of the practitioners of record associated with Customer No. 021788.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Sam Harwell Patterson 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: Sam Harwell Patterson
1 Las Olas Circle, Apt. 211
Fort Lauderdale, FL 33316

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

CRAIN, CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON TX 77010

MAIL

DEC 18 2007

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
CHUTER, CHRISTOPHER JOHN
Serial No.: 11/904,141
Filed: **September 26, 2007**
For: **SYSTEM AND METHOD FOR REAL-TIME CO-RENDERING OF MULTIPLE ATTRIBUTES**

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed October 16, 2007, requesting acceptance of color drawings.

The petition requests that the color drawings identified in figures 3 – 8 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3(three) set of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is GRANTED.

Michael Horabik
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CRAIN, CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON TX 77010

MAIL

JAN 29 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
CHUTER, CHRISTOPHER JOHN
Application No. 11/904,141
Filed: September 26, 2007
For: **SYSTEM AND METHOD FOR REAL-TIME CO-RENDERING OF MULTIPLE ATTRIBUTES**

DECISION ON PETITION
UNDER 37 CFR 1.59

This is a response to the petition under 37 CFR 1.59(b), filed October 17, 2008, 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 the proprietary material submitted October 17, 2008, be expunged from the record. Petitioner states that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(g) 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.

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 expunged.

The document in question will not be available to the public during prosecution.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

OCT 20 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

CRAIN, CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON TX 77010

In re application of
CHUTER, CHRISTOPHER JOHN et al.
Application Serial No. 11/904,141
Filed: September 26, 2007
For: **SYSTEM AND METHOD FOR REAL-TIME CO-RENDERING OF MULTIPLE ATTRIBUTES**

DECISION
ON PETITION

This is a response to the petition under 37 CFR 1.59(b), filed October 17, 2008 to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that information submitted in the Second Supplemental Information Disclosure Statement on the same dates as the petition dated above be expunged from the record. Petitioner states that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public and the information has not otherwise been made public. By reason of Notice of Allowability mailed 06/26/09, the examiner has determined the materials submitted under MPEP § 724.02 not to be important to a reasonable examiner. The petition fee set forth in 37 CFR 1.17(g) has been paid.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

The expunged material has been closed from the electronic file.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JENNINGS, STROUSS & SALMON, P.L.C.
201 E. WASHINGTON ST., 11TH FLOOR
PHOENIX AZ 85004

COPY MAILED
MAR 01 2010

In re Application of	:	
Michael J. Hagerty	:	
Application No. 11/904,144	:	DECISION ON PETITION
Filed: September 25, 2007	:	
Attorney Docket No. **52961-1 CON**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 18, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 7, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 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 an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3764 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Michael J. Hagerty
3050 S. Alvernon Way
Tucson, AZ 85713

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

RAYMOND SUN
12420 WOODHALL WAY
TUSTIN, CA 92782

COPY MAILED

MAR 02 2009

OFFICE OF PETITIONS

In re Application of	:	
Harold Allen, et al.	:	
Application No. 11/904,146	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO WITHDRAW
Attorney Docket No. PAT-1757	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 12, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment; (2) deliver to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number). The power of attorney filed on February 17, 2009 does not include the required statement under 37 CFR 3.73(b).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

Attachment: Blank copy of the PTO/SB/83

cc: HAROLD ALLEN
39590 OAK GLEN ROAD
FAWNSKIN, CA 92333

Doc Code: PET.POA.WDRW
Document Description: Petition to withdraw attorney or agent (SB83)

PTO/SB/83 (11-08)
Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

☐ all the practitioners of record;

☐ the practitioners (with registration numbers) of record listed on the attached paper(s); or

☐ the practitioners of record associated with Customer Number: _____

NOTE: The immediately preceding box should only be marked when the practitioners were appointed using the listed Customer Number.

The reason(s) for this request are those described in 37 CFR :

☐ 10.40(b)(1)	☐ 10.40(b)(2)	☐ 10.40(b)(3)	☐ 10.40(b)(4)
☐ 10.40(c)(1)(i)	☐ 10.40(c)(1)(ii)	☐ 10.40(c)(1)(iii)	☐ 10.40(c)(1)(iv)
☐ 10.40(c)(1)(v)	☐ 10.40(c)(1)(vi)	☐ 10.40(c)(2)	☐ 10.40(c)(3)
☐ 10.40(c)(4)	☐ 10.40(c)(5)	☐ 10.40(c)(6) Please explain below:	

Certifications

Check each box below that is factually correct. WARNING: If a box is left unchecked, the request will likely not be approved.

1. ☐ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment.

2. ☐ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled.

3. ☐ I/We have notified the client of any responses that may be due and the time frame within which the client must respond.

Please provide an explanation, if necessary:

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Complete the following section only when the correspondence address will change. *Changes of address will only be accepted to an inventor or an assignee that has properly made itself of record pursuant to 37 CFR 3.71.*

Change the correspondence address and direct all future correspondence to:

A. ☐ The address of the inventor or assignee associated with Customer Number: _____

OR

B. ☐ Inventor or Assignee name			
Address			
City	State	Zip	Country
Telephone		Email	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature			
Name		Registration No.	
Address			
City	State	Zip	Country
Date		Telephone No.	

NOTE: ***Withdrawal is effective when approved rather than when received.***

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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

PRICE & ADAMS, P.C.
4135 BROWNSVILLE ROAD
P.O. BOX 98127
PITTSBURGH PA 15227-0127

COPY MAILED

JUL 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Donald L. DeVall	:	
Application No. 11/904,172	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 9186	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 29, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's birth certificate 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 3622 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WAGNER, ANDERSON & BRIGHT, LLP
3541 OCEAN VIEW BOULEVARD
GLENDALE, CA 91208

COPY MAILED

OCT 17 2007

OFFICE OF PETITIONS

In re Application of	:	
HINES, Stephen	:	
Application No. 11/904,174	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **01-3644-60**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed September 26, 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 Stephen P. Hines, 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 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

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.
11/904,201	09/26/2007	Joon-Yeon Kim	SDIYOU.075AUS	2813

7590 11/02/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
11/02/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/30/2009 NFARMER 0312204400
DAN:111410 Name/Number:11904201
FC: 9204 0500.00 CR

Adjustment date: 10/30/2009 NFARMER
09/28/2007 EAYALEOI 00000027 11904201
02 FC:1111 -500.00 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
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

AUG 31 2009

OFFICE OF PETITIONS

In re Application of	:	
Han Bi et al.	:	
Application No. 11/904,225	:	DECISION ON PETITION
Filed: September 25, 2007	:	TO WITHDRAW
Attorney Docket No. 9145.0041-00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 16, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

NOV 16 2009

OFFICE OF PETITIONS

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of
Han Bi et al.
Application No. 11/904,225
Filed: September 25, 2007
Attorney Docket No. 9145.001-00

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 CFR § 1.36(b), filed October 6, 2009.

The request is **NOT APPROVED**.

As stated in the previous decision mailed on August 31, 2009, the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative. Therefore, the request still cannot be approved at this present time.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71* or, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BAY AREA TECHNOLGY LAW GROUP PC
500 SANSOME STREET, SUITE 404
SAN FRANCISCO CA 94111

MAILED

MAY 06 2010

OFFICE OF PETITIONS

In re Application of
Steven A. Heumann et al. :
Application No. 11/904,244 : ON PETITION
Filed: September 25, 2007 :
Attorney Docket No. 985.06 :

This is a decision on the petition under 37 CFR 1.137(b)[1], filed March 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed August 19, 2009. A response was filed February 16, 2010 with a three month extension of time, but by Advisory Action of Febraury 23, 2010, petitioner was advised that the response did not place the application in condition for allowance. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Petitioner has submitted a Request for Continued Examination (RCE) with a request that the previously filed amendment of November 30, 2009 be considered as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 3723 for processing of the RCE.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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

CYPRESS SEMICONDUCTOR CORPORATION
198 CHAMPION COURT
SAN JOSE, CA 95134-1709

Mail Date: 04/21/2010

Applicant	: Galen E. Stansell	: DECISION ON REQUEST FOR
Patent Number	: 7598794	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/904,246	: 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 **185** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

RAY BROYLES
2365 S. MCCANN
SPRINGFIELD MO 65804

MAILED

APR 30 2010

OFFICE OF PETITIONS

In re Application of :
BROYLES, RAY :
Application No. 11/904,275 : ON PETITION
Filed: September 27, 2007 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed February 22, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment (37 CFR 1.121), mailed August 07, 2009, which set a shortened statutory period for reply of one (1) months or thirty days. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on September 08, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply in a form of an amendment, 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) (1) the required amendment.

Application No. 11/904,275

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

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Miranda Le at (571) 272-4112 or in her absence, the undersigned at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/904,279	09/26/2007	Magdalena Bynum	10060739-01	3333

7590 12/11/2009
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER
KINGAN, TIMOTHY G

ART UNIT	PAPER NUMBER
1797	

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.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

MAILED

MAY 20 2010

OFFICE OF PETITIONS

In re Patent of Bedian et al.	:	
Patent No. 7,618,633	:	
Issue Date: November 17, 2009	:	DECISION ON REQUEST
Application No. 11/904,295	:	FOR RECONSIDERATION OF
Filing Date: September 25, 2007	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 000659-0045-104	:	

This is a decision on the petition filed December 16, 2009, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by two hundred nineteen (219) days.

The petition is **dismissed**.

The patent issued November 17, 2009, with a patent term adjustment of 196 days.
The instant petition was timely filed on December 16, 2009.

Patentees contend the proper patent term adjustment is 219 day. Patentees assert the Office improperly entered a reduction of 23 days for an Information Disclosure Statement ("IDS") filed July 20, 2009, after the Office mailed a Notice of Allowance on July 2, 2009.

Background

The instant application is a continuation of Application No. 10/292,088.

Application No. 12/284,605 is related to the instant application in so far as Application No. 12/284,605 is a divisional application of Application No. 11/213,575, which is a divisional application of Application No. 10/292,088.

Patent Examiner Phillip Gambel handled the prosecution of the instant application and Application No. 12/284,605.

Per an interview summary form in the file wrapper for each or the two applications, the examiner spoke with Patentees' representative, Z. Ying Li, on June 16, 2009. Each interview summary

form state Gambel and Li discussed, in part, the "prosecution history of Bedian USSNs." Each of the interview summary forms also stated,

> [U]pon request by the examiner, applicant agreed to provide ATCC Deposit Account Nos. in the claims via Examiner's Amendment to place this application in condition for allowance.

On June 30, 2009, a Notice of Allowance, Notice of Allowability, and Examiner's amendment were mailed in Application No. 12/284,605.

On July 2, 2009, a Notice of Allowance, Notice of Allowability, and Examiner's amendment were mailed in the instant application.

An Office action in a related application can be a material reference under 37 C.F.R. § 1.56.[1] Patentees filed an IDS in the instant application on July 20, 2009. Under the heading "Non Patent Literature Documents," Patentees identified the Notice of Allowance mailed June 30, 2009, in Application No. 12/284,605 and the Notice of Allowability mailed June 30, 2009, in Application No. 12/284,605.

The examiner considered the IDS and the Office mailed a response to the June 20, 2009 IDS on August 11, 2009.

The Office entered a 23-day reduction to the patent term adjustment as a result of the IDS filed July 20, 2009.

Discussion

37 C.F.R. § 1.704(c)(10) states,

> [Upon] [s]ubmission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed ... the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:
> (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
> (ii) Four months.

Despite the language in 37 C.F.R. § 1.704(c)(10), the Office will not enter a reduction for an IDS filed after allowance if the requirements of 37 C.F.R. § 1.704(d) are met.

37 C.F.R. § 1.704(d) states,

> A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude

[1] *See Larson Mfg. Co. of S.D. v. Aluminart Prods.*, 513 F.Supp. 2d 1102 (D.S.D. 2007) and *Dayco Products Inc. v. Total Containment, Inc.*, 329 F.3d 1358 (Fed. Cir. 2003).

> prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

Patentees state, "While the items of information contained in the IDS in issue were cited by the USPTO, the guiding principle should be the same or similar."

When promulgating 37 C.F.R. § 1.704(d), the Office chose to limit the exception set forth in 37 C.F.R. § 1.704(d) to situations involving references first cited by a foreign patent office. To allow an exception for other references would, in essence, improperly expand the scope of 37 C.F.R. § 1.704(d) to include subject matter the Office chose to exclude from the regulation.

In view of the prior discussion, the Office properly entered a 23-day reduction for the IDS filed July 20, 2009, and the patent term adjustment indicated on the patent will not be changed.

Submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

COPY MAILED

DEC 08 2009

OFFICE OF PETITIONS

In re Patent No. 7,474,481	:	
Issue Date: January 6, 2009	:	
Application No. 11/904,325	:	DECISION ON PETITION
Filed: September 26, 2007	:	
Attorney Docket No. 17267/021001	:	

This is a decision on the petition under 37 CFR 1.182, filed August 21, 2009, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

An electronic payment of $400 for the petition under 37 CFR 1.182 has been submitted by credit card.

Telephone inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735.

Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Naomi Farmer in the Publishing Division at (703) 308-9250, Ext. 129.

A copy of this decision is being faxed to Publishing Division for issuance of a duplicate Letters Patent.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: Naomi Farmer, South Tower, 8th Floor, Room C23 (Fax No. (571) 270-9753)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

SEP 23 2009

OFFICE OF PETITIONS

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE NY 11747

In re Application of	:	
STENBERG, Are et al.	:	
Application No. 11/904,382	:	DECISION ON PETITION
Filed: September 27, 2007	:	TO WITHDRAW
Attorney Docket No. **1559-2CIP**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 04, 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 David Carter on behalf of all attorneys of record who are associated with customer No. 31554. All attorneys/agents associated with the Customer Number 31554 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ARE STENBERG**
21 NEDRE SILKESTRA
OSLO 0375
NOWAY

cc: **PRIMIRO LLC**
SILICON VALLEY TECH CENTER
2570 NORTH FIRST STREET, 2ND FL.
SUITE 215
SAN JOSE CA 95131

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

JAN 08 2009

OFFICE OF PETITIONS

ROCHE PALO ALTO LLC
PATENT LAW DEPT. M/S A2-250
3431 HILLVIEW AVENUE
PALO ALTO, CA 94304

In re Application of	:	
Auer et al.	:	
Application No. 11/904,402	:	ON PETITION
Filed: September 27, 2007	:	
Attorney Docket No. R0357A-ORD	:	

This is a decision on the 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 Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Notice), mailed March 17, 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 May 18, 2008. A Notice of Abandonment was mailed November 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute sequence listing, (2) the petition fee of $1,620, and (3) an adequate statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquires related to this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Dario Lazzari	: DECISION ON REQUEST FOR
Patent Number	: 7638626	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/904,511	: 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 **13** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: John James McNamara	: DECISION ON REQUEST FOR
Patent Number	: 7642320	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/904,512	: 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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

COPY MAILED
MAR 3 1 2008
OFFICE OF PETITIONS

SHIRLEY L. CHURCH, ESQ.
P.O. BOX 81146
SAN DIEGO CA 92138

In re Application of Boris, et al. Application No. 11/904,522 Filed: September 26, 2007 Attorney Docket No. MS-016 US For: ARTICLES WITH SUPER-HYDROPHOBIC AND-OR SUPER-HYDROPHILIC SURFACES AND METHOD OF FORMATION	:	DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed February 21, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventors have refused to join in the filing of the above-identified application.

The 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) 272-3205.

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

Benigno A. Janeiro
5716 Owens Drive, #103
Pleasanton, California 94588

COPY MAILED

MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of
Boris, et al.
Application No. 11/904,522
Filed: September 26, 2007
Attorney Docket No. MS-016 US
For: ARTICLES WITH SUPER-HYDROPHOBIC AND-OR SUPER-HYDROPHILIC SURFACES AND METHOD OF FORMATION

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: SHIRLEY L. CHURCH, ESQ.
P.O. BOX 81146
SAN DIEGO CA 92138

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

COPY MAILED

MAR 3 1 2008

OFFICE OF PETITIONS

JEFFREY D. CHINN
605 SAINT CROIX LANE
FOSTER CITY, CA 94404

In re Application of
Boris, et al.
Application No. 11/904,522
Filed: September 26, 2007
Attorney Docket No. MS-016 US
For: ARTICLES WITH SUPER-HYDROPHOBIC AND-OR SUPER-HYDROPHILIC SURFACES AND METHOD OF FORMATION

Dear Sir:

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) 272-3205. 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: SHIRLEY L. CHURCH, ESQ.
P.O. BOX 81146
SAN DIEGO CA 92138

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

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: Matthias Blessing	: DECISION ON REQUEST FOR
Patent Number	: 7584879	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/904,533	: 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 **15** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

CARTER, DELUCA, FARRELL &
SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 225
MELVILLE NY 11747

COPY MAILED

AUG 01 2008

OFFICE OF PETITIONS

In re Application of

Soo, et al.

Application No. 11/904,569

Filed: September 27, 2007

Attorney Docket No. 1449-64

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed July 1, 2008.

The petition is **granted**.

This application was held abandoned on December 23, 2007, after no reply was received to the Notice to File Missing Parts of Non-Provisional Application mailed October 22, 2007. The notice set forth a shortened period for reply of two months from its mailing date, and required an oath or declaration under 37 CFR 1.63, surcharge, and replacement drawings to be filed. A response was filed on June 10, 2008. A Notice of Abandonment was mailed on September 11, 2006, indicating that the response of June 10, 2008, was untimely.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The petition fee of $255.00 paid July 1, 2008, will be refunded.

The application file is being forwarded to the Office of Patent Application Processing for further processing which may include re-mailing of the Notice to File Missing Parts of Non-Provisional Application and resetting of the time period for reply. The Office of Patent Application Processing will determine whether it is appropriate to resend the Notice in light of the response to the Notice to File Missing Parts of Non-Provisional Application filed June 10, 2008, and again on July 1, 2008.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DIW Sep-09

CELANESE INTERNATIONAL CORPORATION
1601 W.LBJ FREEWAY
DALLAS TX 75234

MAILED

OCT 07 2009

OFFICE OF PETITIONS

In re Application of :
Nathan Kirk Powell :
Application Number: 11/904574 :
Filing Date: 09/27/2007 : ON PETITION
Attorney Docket Number: C-7280 :

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on July 22, 2009.

The petition is **GRANTED**.

This application became abandoned on July 14, 2009, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on April 13, 2009, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on July 28, 2009.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Receipt of the issue and publication fees paid on July 22, 2009 is acknowledged.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. A change of correspondence address should be filed if the correspondence address needs to be updated.

The application is referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc:

MARTIN CONNAUGHTON
CELANESE INTERNATIONAL CORPORATION
CLEAR LAKE TECHNICAL CENTER
9502 BAYPORT BLVD.
PASADENA TX 77507

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.
11/904,596	09/27/2007	Victor Cerabone	MB 653	3996

7590 11/03/2009

KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668

EXAMINER
DICKSON, PAUL N

ART UNIT	PAPER NUMBER
3616	

MAIL DATE	DELIVERY MODE
11/03/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Trellis Intellectual Property Law Group, PC
1900 Embarcadero Road
Suite 109
Palo Alto, CA 94303

MAILED

FEB 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Arthur Paul Levine	:	
Application No. 11/904,599	:	DECISION ON PETITION
Filed: September 26, 2007	:	TO WITHDRAW
Attorney Docket No. 100154-000110US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 4, 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 Charles J. Kulas 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 Arthur Levine at the address indicated below.

There is an outstanding Office action mailed October 19, 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: **Arthur Levine**
1011 Fourth Street, #208
Santa Monica, CA 90403

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
11/904,599	09/26/2007	Arthur Paul Levine	100154-000110US

CONFIRMATION NO. 3982

POWER OF ATTORNEY NOTICE

37490
Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

OC000000040244029

Date Mailed: 02/23/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/04/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARR & FERRELL
2200 GENG ROAD
PALO ALTO, CA 94303

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Aram, Farbod	:	DECISION ON PETITION
Application No. 11/904,604	:	TO WITHDRAW
Filed: September 26, 2007	:	FROM RECORD
Attorney Docket No. PA4419US	:	

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 3, 2009.

The request is **NOT APPROVED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 22830 was revoked by the assignee of the patent application on June 15, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to 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: VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO CA 95014

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

SEP 08 2009

OFFICE OF PETITIONS

In re Application of :
Shengyuan ZHANG, et al. :
Application No. 11/904,687 :
Filed: September 27, 2007 :
Attorney Docket No. **9145.0047-00** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 17, 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. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or if no assignee of the entire interest has properly

been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71 (c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73 (b) that is signed by a party who is authorized to act on behalf of the assignee.***

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

cc: **HAYNES AND BOONE, LLP**
2323 VICTORY AVENUE, SUITE 700
DALLAS, TX 75219-767

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP
901 NEW YORK AVENUE NW
WASHINGTON, DC 20001- 4413

COPY MAILED

OCT 2 7 2009

OFFICE OF PETITIONS

In re Application of :

Shengyuan ZHANG, et *al.* :
Application No. 11/904,687 :
Filed: September 27, 2007 :
Attorney Docket No. **9145.0047- 00** :

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 October 6, 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

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

NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON MA 02210-2604

MAILED

JUN 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Takayoshi Kojima	:	
Application No. 11/904,694	:	DECISION ON PETITION
Filed: September 28, 2007	:	
Attorney Docket No. 109635-69312	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the non-final Office action mailed October 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 January 6, 2010. A Notice of Abandonment was mailed April 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2622 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

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

CORNING INCORPORATED
SP-TI-3-1
CORNING NY 14831

3/12/09

In re Application of
ABRAMOV, ANATOLI ANATOLYEVICH et al. :
Appl. No.: 11/904,697 : DECISION ON PETITION
Filed: Sep. 28, 2007 : Under 37 CFR 1.59
Atty. Docket No: SP-07-186 :
For: LASER SCORING WITH FLAT PROFILE :
BEAM :

This is a decision on the petition under 37 CFR 1.59(b), filed Feb. 25, 2009 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 the information submitted in the Information Disclosure Statement under the heading of Non Patent Literature Documents, (total of three documents) filed Sep. 28, 2007 be expunged from the record. In particular, they are Information Disclosure Statement (IDS) filed on September 28, 2007 (2 pages), identified as "2007-09-28 Information Disclosure Statement (IDS) Filed (SB/08) (1 page)", "2007-09-28 Information Disclosure Statement Letter" (1 page) and two NPL documents identified as Corning Incorporated Internal report No. RTR 101425 (24 pages), identified as "2007-09-28 NPL Documents" and Corning Incorporated Internal report No. R13972 (28 pages), identified as "2007-09- 28 NPL Documents. In addition, petitioner also requests the cited reference, WO97/07927 (18 pages) identified as 2007-09-28 Foreign Reference be expunged. However, in the petition, petitioner indicates that this foreign reference will be re-submitted under a separate IDS at a later time.

In the petition, petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee of $200.00 set forth in 37 CFR 1.17(g) has been charged to Deposit Account 03-3325 in accordance with the petition.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information

which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time. During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file. Currently, the information has been closed from public view for the remainder of prosecution.

Questions concerning this decision should be directed to Special Programs Examiner Henry C. Yuen at 571-272-4856.

Decision held in ABEYANCE.

Robert Olszewski, Director
Technology Center 3700

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

CORNING INCORPORATED
SP-TI-3-1
CORNING NY 14831

3/20/09

In re Application of
ABRAMOV, ANATOLI ANATOLYEVICH et al.
Appl. No.: 11/904,697
Filed: May 4, 2004
Atty. Docket No: SP-07-186
For: LASER SCORING WITH FLAT PROFILE BEAM

: DECISION ON PETITION
: Under 37 CFR 1.59

This is a response to the petition under 37 CFR 1.59(b), filed on Feb. 25, 2009 by which petitioners request to expunge information from the above identified application.

The petition is granted.

Petitioner requests that documents listed on the Information Disclosure Statement filed Sep. 28, 2007 be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17 (g) has been paid.

The information in question has been determined by the undersigned to not be material to the examination of the instant application.

Applicant is required to retain the expunged material(s) for the life on any patent which issues on the above-identified application. Currently, the application has been expressly abandoned by the applicant.

The expunged material has been removed from the official file. The material has been blocked from the public.

Petition to expunge GRANTED.

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/904,697	09/28/2007	Anatoli Anatolyevich Abramov	SP07-186	5456

7590 03/30/2009
CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

EXAMINER
EVANS, GEOFFREY S

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
03/30/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

FORM PET650D (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.
11/904,733	09/28/2007	David Lee Gines	10070216-1	5188

7590 12/11/2009
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER
BELLA, MATTHEW C

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
12/11/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 12/10/2009 NFARMER
10/02/2007 SFELEKE1 00000042 501079 11904733
02 FC:1111 500.00 CR

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

SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Aaron Dea Ford et al	:	
Application No. 11/904,750	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHDRAW
Attorney Docket No. INIT1290	:	FROM RECORD
	:	

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 Ariyeh Akmal on behalf of the practitioners of record associated with Customer Number 44654.

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 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: Aaron Dea Ford
20116 Haystack Cove
Spicewood, TX 78669

cc: Stuart B. Shapiro
Edell, Shapiro & Finnan, LLC
1901 Research Blvd., Suite 400
Rockville, MD 20850

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
11/904,750	09/28/2007	Aaron Dea Ford	INIT1290

CONFIRMATION NO. 6904

POWER OF ATTORNEY NOTICE

44654
SPRINKLE IP LAW GROUP
1301 W. 25TH STREET
SUITE 408
AUSTIN, TX 78705

OC000000041741944

Date Mailed: 05/24/2010

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

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
11/904,750	09/28/2007	Aaron Dea Ford	INIT1290

CONFIRMATION NO. 6904

POA ACCEPTANCE LETTER

Aaron Dea Ford
20116 Haystack Cove
Spicewood, TX 78669

OC000000041742009

Date Mailed: 05/24/2010

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 12 2010

OFFICE OF PETITIONS

RICHARD R. MUCCINO
758 SPRINGFIELD AVENUE
SUMMIT NJ 07901

In re Application of

CHERUKURI, S. RAO et al.
Application No. 11/904,760
Filed: September 28, 2007
Attorney Docket No. **Cap1-001CIP**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Richard Muccino, the sole attorney of record. Richard Muccino has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor S. Rao Cherukuri 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: **S. RAO CHERUKURI**
CAPRICON PHARMA
6900 ENGLISH MUFFIN WAY, UNIT A
FREDRICK MD 21703

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 RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE PA 15146

COPY MAILED
SEP 12 2008

In re Application of	:
Tamara J. McCoy	:
Application No. 11/904,839	:DECISION GRANTING PETITIONS
Filed: September 28, 2007	:UNDER 37 CFR 1.137(b) AND
Attorney Docket No. TJM 07122	:UNDER 37 CFR 1.182

This is a decision on the petition under 37 CFR 1.137(b), filed July 25, 2008, to revive the above-identified application. This is also a decision on the petition to expedite under 37 CFR 1.182 filed September 8, 2008.

The petitions are **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 TO FILE CORRECTED APPLICATION PAPERS mailed October 26, 2007, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PERRY M. FONSECA & ASSOCIATES, P.C.
12 HAMILTON COURT
LAWRENCEVILLE NJ 08648

COPY MAILED

JUL 21 2008

OFFICE OF PETITIONS

In re Application of	
NICHOLS, David	
Application No. 11/904,855	DECISION ON PETITION
Filed: September 29, 2007	TO WITHDRAW
Attorney Docket No. **0210.002**	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 25, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **DAVID NICHOLS**
23 WOODCREST DRIVE
ARMONK, NY 10504

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

PERRY M. FONSECA & ASSOCIATES, P.C.
12 HAMILTON COURT
LAWRENCEVILLE, NJ 08648

COPY MAILED

SEP 30 2008

OFFICE OF PETITIONS

In re Application of :

NICHOLS, David :
Application No. 11/904,855 :
Filed: September 29, 2007 :
Attorney Docket No. 0210.002 :

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 July 28, 2008.

The request is APPROVED.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Perry M. Fonseca on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the sole named inventor David Nichols at the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: DAVID NICHOLS
23 WOODCREST DRIVE
ARMONK, NY 10504

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Leon Lei et al.	:	
Application No. 11/904,875	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHDRAW
Attorney Docket No. 9145.0044-00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 16, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

COPY MAILED

NOV 18 2009

OFFICE OF PETITIONS

In re Application of :
Leon Lei et al. :
Application No. 11/904,875 : DECISION ON PETITION
Filed: September 28, 2007 : TO WITHDRAW
Attorney Docket No. **70107.90 (IDT-2291)** : FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 6, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22852 has been revoked by the assignee of the patent application on November 12, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

It is noted that the assignee's statement under 37 CFR 3.73(b) did not include the language that "[t]he undersigned (whose title is supplied below) is authorized to act on behalf of the assignee". However, the Office has acknowledged and will construe the title "VP, General Counsel" associated with the person who signed the power of attorney as having apparent authority to sign on behalf of the assignee. *See MPEP § 324(V)(A).*

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: HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

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
11/904,875	09/28/2007	Leon Lei	70107.90 (IDT-2291)

CONFIRMATION NO. 5465

POA ACCEPTANCE LETTER

OC000000038801253

27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Date Mailed: 11/17/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/12/2009.

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.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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
11/904,875	09/28/2007	Leon Lei	70107.90 (IDT-2291)

CONFIRMATION NO. 5465

POWER OF ATTORNEY NOTICE

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

OC000000038801216

Date Mailed: 11/17/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/12/2009.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

NOV 18 2009

OFFICE OF PETITIONS

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of	:	
Zhuyan Shao et al.	:	
Application No. 11/904,895	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHDRAW
Attorney Docket No. 70107.86 (IDT-2233)	:	FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 6, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22852 has been revoked by the assignee of the patent application on November 12, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

It is noted that the assignee's statement under 37 CFR 3.73(b) did not include the language that "[t]he undersigned (whose title is supplied below) is authorized to act on behalf of the assignee". However, the Office has acknowledged and will construe the title "VP, General Counsel" associated with the person who signed the power of attorney as having apparent authority to sign on behalf of the assignee. *See MPEP § 324(V)(A)*.

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: HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

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.

KEVIN E. MC VEIGH
RHODIA INC.
8 CEDAR BROOK DRIVE (CN 7500)
CRANBURY NJ 08512-7500

COPY MAILED

AUG 25 2008

OFFICE OF PETITIONS

In re Application of	:	
Amit Sehgal et al.	:	
Application No. 11/904,877	:	DECISION ON PETITION
Filed: September 28, 2007	:	PURSUANT TO
Attorney Docket No. RD 06018	:	37 C.F.R. § 1.78(A)(6)
Title: WATER DISPERSIBLE	:	
POLYISOCYANATES	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(6), filed August 1, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment to the specification.

The petition is **DISMISSED AS MOOT**.

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. While a reference to the prior-filed nonprovisional and provisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the declaration filed with the application.

Where a claim for priority under 37 C.F.R. § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the

application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 C.F.R. §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 C.F.R. §§ 1.78(a)(3) and 1.78(a)(6).[1] In the present case, the Office noted the claim for priority to the prior-filed applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

In view of the above, the petition fee is unnecessary and has not been charged to Petitioner's Deposit Account.

The application is being forwarded to Technology Center AU 1796 for appropriate action on the amendment filed August 1, 2008, including consideration by the examiner of the claim under 35 U.S.C. § 119(e) for the benefit of priority to the prior-filed provisional application.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225[2]. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

---

1 *Note* MPEP § 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Zhuyan Shao et al.	:	
Application No. 11/904,895	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO WITHDRAW
Attorney Docket No. 9145.0040-00	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 16, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/30/10

TO SPE OF : ART UNIT 2874

SUBJECT : Request for Certificate of Correction for Appl. No.: 11904900 Patent No.: 7578622

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X	**Approved**	**All** changes apply.
☐	**Approved in Part**	Specify below which changes **do not** apply.
☐	**Denied**	State the reasons for denial below.

Comments: The Request for Certificate of Correction is for the purpose of correcting errors in the first paragraph of the specification with respect to the instant application's priority data. The correction does not involve new matter or require reexamination.

/UYEN-CHAU N. LE/
SPE

2874
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

MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

Mail Date: 04/21/2010

Applicant	: Thomas J. Whelan	: DECISION ON REQUEST FOR
Patent Number	: 7614704	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/904,908	: 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 **32** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

MAILED

JUN 09 2010

OFFICE OF PETITIONS

OMRI M. BEHR
325 PIERSON AVENUE
EDISON, NJ 08837-3123

In re Application of
Ira Sanders
Application No. 11/904,963
Filed: September 28, 2007
Attorney Docket No.: SAND3.0-002CIP

ON PETITION

This is a decision in response to the petition, filed April 20, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed June 24, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 25, 2008. A Notice of Abandonment was mailed on December 30, 2008. In response, on April 20, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 1656 for appropriate action by the Examiner in the normal course of business on the reply received April 20, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Martin H. Graham	:	
Application No. 11/904,991	:	DECISION ON PETITION
Filed: September 28, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 3921P011	:	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 declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Initial Patent Examination for processing. This application will be accorded "special" when pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/905,001	09/27/2007	Hiroshi Kanno	074782-0031	3913

53080 7590 03/07/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER
OWENS, DOUGLAS W

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
03/07/2008	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.

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

McDERMOTT, WILL & EMEY LLP
600 Thirteenth Street, N.W.
Washington, DC 20005-3096

MAR - 6 2008

In re Application of	:	
Hiroshi KANNO, et al.	:	DECISION ON REQUEST TO
Application No. 11/905,001	:	PARTICIPATE IN PATENT
Filed: September 27, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 074782-0031	:	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 12/21/2007, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

****

Conditions 1-5, and 7 above are considered to have been met. The required petition fee under 37 CFR 1.17(h) was charged to deposit account No. 500417 on 03/05/2008. The request to participate in the PPH pilot program and petition, however fail to meet condition (6) above.

Regarding the requirement of condition (6), applicant has submitted an IDS citing JP 11-23692 along with copies of JP 11-23692, JP 2005-27317, JP 2003-101337, and JP 10-335931. The applicant, however, has failed to submit an IDS listing JP 2005-27317, JP 2003-101337, and JP 10-335931.

A proper response in this case must include a proper IDS listing JP 2005-27317, JP 2003-101337, and JP 10-335931.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Michael Day at 571-272-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/905,001	09/27/2007	Hiroshi Kanno	074782-0031	3913

53080 7590 03/26/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER
DINH, TRINH VO

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
03/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

McDERMOTT, WILL & EMEY LLP
600 Thirteenth Street, N.W.
Washington, DC 20005-3096

MAR 26 2008

In re Application of	:	
Hiroshi KANNO, et al.	:	DECISION ON REQUEST TO
Application No. 11/905,001	:	PARTICIPATE IN PATENT
Filed: September 27, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 074782-0031	:	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 12/21/2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/905,056	09/27/2007	Hiroshi Sukegawa	008312-0365275	4047

7590 08/20/2009
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER
WERNER, BRIAN P

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
08/20/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 08/21/2009 NFARMER
09/28/2007 DEMMANU1 00000094 033975 11905056
02 FC:1111 500.00 CR

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

ROBERT E. BUSHNELL
1522 K STREET NW
SUITE 300
WASHINGTON DC 20005-1202

COPY MAILED

AUG 12 2008

OFFICE OF PETITIONS

In re Application of
YOUNG-JONG PARK et al.
Application No. 11/905,147
Filed: 27 September 2007
Attorney Docket No. P58457

DECISION ON PETITION

This is a decision on the petition, filed December 26, 2007, under 37 CFR 1.181 (no fee), requesting withdrawal of the Notice to File Missing Parts (Notice) of October 25, 2007.

The petition is **DISMISSED AS MOOT**.

Petitioner contends that the Notice erroneously states the Oath/Declaration to be missing from the application as filed 27 September 2007. However, the Office has issued a Corrected Filing Receipt on July 3, 2008 addressing the issues raised in the instant petition. In view of this, the instant petition stands dismissed as MOOT.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at (571) 272-4914.

This application is being referred to Office of Patent Application Processing for further action.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON, DC 20005

COPY MAILED

NOV 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Wheeler, et al.	:	
Application No. 11/905,163	:	DECISION GRANTING PETITION
Filed: September 27, 2007	:	
Attorney Docket No. 066307-415-7	:	

This is a decision on the petition filed October 29, 2007, requesting that the above-identified application retain the presently accorded a filing date of September 27, 2007, with page 20 of the specification, as part of the original disclosure.

On September 27, 2007, the above-identified application was filed. On October 23, 2007, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice"), stating that the application had been accorded a filing date of September 27, 2007, however, page 20 of the specification, appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on October 29, 2007, applicants filed the present petition and a copy of an Office date-stamped postcard showing that, among other items, 34 pages of the specification were received on September 27, 2007.

Upon review of the record, page 20 of the specification have not been located among the application papers. However, the evidence is convincing that the application papers deposited September 27, 2007, included page 20 of the specification, which were subsequently misplaced by the Office. Therefore, the application, including page 20 of the specification was complete on filing and entitled to the presently accorded filing date of September 27, 2007.

Accordingly, the petition is granted.

The application file is being returned to the Office of Patent Application Processing for further processing with the presently accorded filing date of September 27, 2007, including page 20 of the specification.

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

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

COPY MAILED
SEP 23 2008

In re Application of
Pai
Application No. 11/905,205
Filed: September 28, 2007
Attorney Docket No. PAIC3005/EM
For: ANATOMY-BASED BIOMECHANIC SHOE SOLE

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 17, 2008, to revive the above-identified application.

This application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers, mailed October 22, 2007, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on December 23, 2007. A Notice of Abandonment was mailed on July 2, 2008.

Applicant has submitted a proper reply to the October 22, 2007 Notice in the form of replacement drawings, an acceptable statement of the unintentional nature of the delay in responding to the October 22, 2007 Notice, and the petition fee.

The statement of unintentional delay presented in the petition does not comply with the current rule. 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" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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

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

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Chi-Kuang Lai	: DECISION ON REQUEST FOR
Patent Number	: 7589799	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/905,209	: 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 **216** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/905,210	09/28/2007	Tomoki Kubota	KUBO3033	5779

7590 07/22/2009
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER
GOINS, DAVETTA WOODS

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
07/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tom Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/22/2009 NFARMER 0000168097

CHECK Refund Total: $500.00

Adjustment date: 07/22/2009 NFARMER
10/01/2007 DEMMANU1 00000040 11905210
02 FC:1111 -500.00 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
www.uspto.gov

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

COPY MAILED

NOV 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Gopinathan et al.	:	
Application No. 11/905287	:	DECISION GRANTING
Filing or 371(c) Date: 09/28/2007	:	STATUS UNDER
Attorney Docket No.	:	37 CFR 1.47(a)
1875.6650002	:	

This is in response to the Oath and Petition Under 37 CFR § 1.47(a), filed with the application on September 28, 2007, from prior application 1/180,678, of which the above-identified application is a continuation application.

As provided in 37 CFR 1.63(d)

> (1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
> (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
> (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
> (iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.
> (2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.
> (3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:
> (i) A copy of the decision granting a petition to accord § 1.47 status to

the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and
(ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.63(d). This application is hereby accorded Rule 1.47(a) status. The Office will dispense with the Notice to the nonsigning inventor and the announcement in the Official Gazette.[1].

The application file is being referred to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

[1] See 37 CFR 1.47(c) and MPEP 201.06(c).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

COPY MAILED
SEP 22 2008
OFFICE OF PETITIONS

In re Application of :
Kato, et al. :
Application No. 11/905,321 : DECISION ON PETITION
Filed: September 28, 2007 :
Docket No.: 1341.1556 :

This is a decision on the petition under 37 CFR 1.181, filed August 8, 2008, to withdraw the holding of abandonment.

The application was held abandoned January 8, 2008 for failure to timely submit a properly reply to the Notice to File Corrected Application Papers (Notice) mailed November 7, 2007. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed July 14, 2008.

Petitioners assert non-receipt of the Notice. Petitioners state that a search of the docket records and file jacket indicated that the Notice, mailed November 7, 2007, was not received. Petitioners have included a copy of the docket report where the non-received Notice would have been entered had it been received and docketed.

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 in keeping with the procedures set forth at MPEP 711.03(c).

The showing 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).

The petition and accompanying documentary evidence have been carefully considered, and found to satisfy the requirements set forth at MPEP 711.03(c).

In view thereof, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

This application is being forwarded to the Office of Patent Application Processing for re-mailing of the Notice to File Corrected Application Papers. The time period for reply will be as set in the new Notice to File Corrected Application Papers.

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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of :
Shunichi Ihara, et al. :
Application No.: 11/905,373 : ON PETITION
Filed: September 28, 2007 :
Attorney Docket No.: 1826.1279 :

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 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2182 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Feb-08

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

COPY MAILED

FEB 21 2008

OFFICE OF PETITIONS

In re Application of	:	
Lee et al.	:	
Application Number: 11/905397	:	DECISION ON PETITION
Filing Date: 09/28/2007	:	
Attorney Docket Number: 242/133	:	

This is a decision on the petition filed on January 7, 2008, under 37 CFR 1.53 requesting that the above-identified nonprovisional application, including eight (8) sheets of drawings, be accorded a filing date of September 28, 2007.

The petition is **GRANTED**.

The application was filed on September 28, 2007. Accordingly, on November 7, 2007, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application stating that, *inter alia*, the application had not been accorded a filing date because been deposited without drawings.

In response, on January 7, 2008, the present petition and a copy of eight (8) sheets of drawings were filed. Petitioners argue that eight (8) drawing sheets were filed with the other application papers on September 28, 2007, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp dated "092807" and contains the above-identified application number. The postcard receipt identifies the application by the attorney docket number, inventors' names, and the invention title, and acknowledges receipt of, *inter alia*, eight (8) sheet(s) of drawings. Petitioners request that the application, including the eight (8) sheets of drawings, be accorded a filing date of September 28, 2007.

The eight (8) sheets of drawings filed on September 28, 2007, have been located in the application file. Therefore, the application, including eight (8) sheets of drawings, is entitled to a filing date of September 28, 2007.

In view of the above, the petition is granted. The Notice of Incomplete Nonprovisional Application is withdrawn. As the petition was necessitated by an error on the part of the Office, no petition fee is due. The fee paid will be refunded to counsel's deposit account.

The application will be processed with the eight (8) sheets of drawings filed on September 28, 2007, as a part of the original disclosure. The copies of the drawings filed on January 7, 2008, will not be processed or examined, but will be retained in the application file.

The application is being referred to the Office of Patent Application Processing for further processing with a filing date of September 28, 2007, using the application papers, including the eight (8) drawing sheets, present on filing, and for an indication in Office records that eight (8) sheets of drawings were present on filing.

Telephone inquiries specific to this matter 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

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

COPY MAILED

OCT 1 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Chung-Chun Yeh	:	
Application No. 11/905,436	:	DECISION ON PETITION
Filed: October 1, 2007	:	
Attorney Docket No. YEHC3020/EM	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed October 26, 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 27, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $770.00, 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 Office of Patent Applications Processing.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

OIPE
JUL 17 2008
PATENT & TRADEMARK OFFICE

DAC/JDC

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of:

Inventor: Chung-Chun YEH

Examiner: Not Yet Assigned

Serial No: 11/905,436

Art Unit: 3733

Filed: October 1,2007

Docket: YEHC3020/EM

For: A SPINAL FIXATION DEVICE HAVING A FLEXIBLE CABLE AND JOINTED COMPONENTS RECEIVED THEREON

PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 CFR § 1.137 (b)

Commissioner of Patents
ATTN: OIPE
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above pending application was filed on October 1, 2007. On October 26, 2007, the Patent Office issued a NOTICE TO FILE CORRECTED APPLICATION PAPERS ("Notice") with a two (2) month period for response, expiring on December 26, 2007. The Notice objected to original drawing figures 1a and 8b and required the filing of replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) overcoming the indicated objections. A copy of the Notice is attached hereto.

The Patent Office mailed the Notice simultaneously with the official filing receipt in this application and stapled both the Notice and filing receipt together, with the filing receipt in front and the Notice in back. When these stapled documents were received in the office of the undersigned, the clerk mistook both documents to comprise only a single document, the official filing receipt, and filed both documents together in the application file for future processing. Because of this inadvertent error, the Notice was never docketed for response.

A copy of the comprehensive computerized docket of the office of the undersigned for December 26, 2007, the deadline response date for the Notice, is attached hereto for confirming that the Notice was never docketed. The names of the clients have been blacked out to maintain their confidentiality.

07/18/2008 JADDO1 00000044 11905436
01 FC:2453 770.00 OP

Subsequently, a Notice of Abandonment was mailed by the Patent Office on July 3, 2008, and received in the office of the undersigned on July 7, 2008. A copy of the Notice of Abandonment is also attached hereto.

Given the circumstances of this situation, it is respectfully urged that the entire delay in filing the required reply to the Notice from the December 26, 2007 due date for the reply until the filing of the instant petition was entirely unintentional. Accordingly, it is respectfully requested that this petition be granted and this abandoned application be revived for continued examination.

New replacement drawings for figures 1a and 8b in full reply to the Notice are also attached hereto.

A check in the amount of $770 representing the small entity petition fee under 37 CFR §1.17(m) is also attached.

If there should have any questions in connection with this petition, the undersigned may be reached at his Alexandria, Virginia office at (703) 683-0500.

Respectfully submitted,
Bacon & Thomas

Date: June 25, 2008

Eugene Mar
Registration No. 25,893

Atty. Docket No.: YEHC3020/EM

Customer Number **23364**
Bacon & Thomas, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Telephone: 703-683-0500
YEHC3020 petition for withdrawal of abandonment.wpd

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
11/905,436	10/01/2007	Chung-Chun Yeh	YEHC3020/EM

CONFIRMATION NO. 5676

FORMALITIES LETTER

23364
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

OC000000026420338

Date Mailed: 10/26/2007

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. 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 required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1a, 8b.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

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.

/etadesse/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

August 26, 2009

In re application of Satoshi Yoshida et al Serial No. 11/905,473 Filed: October 1, 2007 For: ELECTROSTATIC IMAGE DEVELOPING TONER, ELECTROSTATIC IMAGE DEVELOPER, TONER CARTRIDGE, PROCESS CARTRIDGE, AND IMAGE FORMING APPARATUS	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, together with the preliminary amendment filed June 22, 2008.

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

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

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

COPY MAILED

MAR 0 5 2008

OFFICE OF PETITIONS

In re Application of

SAGGIO, Frank III et al.
Application No. 11/905,479
Filed: October 01, 2007
Attorney Docket No. **028338-0251**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 07, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael Kaminski on behalf of all attorneys of record who are associated with customer No. 22428. All attorneys/agents associated with the Customer Number 22428 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **FRANK SAGGIO, III**
5006 SEQUOIA DRIVE, S.E.
GRANK RAPIDS, MI 49512

cc: **GE AVIATION**
1 NEUMANN WAY, MD-H17
CINCINNATI, OH 45215-6301

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

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 06/18/2010

Applicant	: Egill Sveinbjorn Egilsson	: DECISION ON REQUEST FOR
Patent Number	: 7632315	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/905,521	: 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 **237** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

Mail Date: 04/21/2010

Applicant	: Kunikazu Ohnishi	: DECISION ON REQUEST FOR
Patent Number	: 7590043	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/905,529	: 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 **178** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Satoshi Yamaguchi	: DECISION ON REQUEST FOR
Patent Number	: 7617038	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/905,538	: 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 **210** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.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

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Akira Hommi	: DECISION ON REQUEST FOR
Patent Number	: 7596444	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/905,578	: 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 **206** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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

Christopher J. McDonald
HOFFMAN, WASSON & GITLER, P.C.
Suite 522
2461 South Clark Street
Arlington VA 22202

COPY MAILED

JAN 3 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Kupferberg, et al.	:	DECISION REFUSING STATUS
Application No. 11/905,619	:	UNDER 37 CFR 1.47(a)
Filed: October 2, 2007	:	
Attorney Docket No. A-10318.CIP	:	

This is in response to the petition under 37 CFR 1.47(b), filed November 28, 2007 . The petition will be treated under 37 CFR 1.47(a) because when one joint inventor signs, the provisions of 37 CFR 1.47(a) apply. Where 37 CFR 1.47(a) is available, application cannot be made under 37 CFR 1.47(b). MPEP 409.03(b)

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 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), (2) and (4) 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). There is no indication herein that joint inventor Marc Robitaille received a copy of the complete application papers for this application. From the evidence of record, a copy of the application, declaration, and a letter asking Roitalle to

review the application and sign the declaration was sent to his last known address on August 24, 2007. No response was received. However, it is noted that co-inventor Minel Kupferberg's statement implies that Mr. Robitaille is no longer employed at M.K. Plastics. Mr. Kupferberg states that Mr. Robitaille has neglected to provide a different address, so the address listed in the petition is the last address known to M.K. Plastics. Thus, it is unknown how "fresh" Mr. Robitaille's address is. When did Mr. Robitaille cease his working relationship with M.K. Plastics?

It is unclear that Mr. Robitaille received the application papers. Petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventor , **return receipt requested**. **(emphasis added).** 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.

If the papers are returned as undeliverable, then petitioner should engage in other efforts to locate Mr. Robitaille. The following is a list of evidentiary sources that are commonly relied upon to prove inability to locate an inventor: searches of Internet databases; inquiries of local telephone directories and national registries; and telegrams. Every listed type of search need not be done. However, a diligent effort to find the inventor must be made. Please provide documentary evidence relating to the attempts to locate Mr. Robitaille.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration of November 28, 2007 is executed by Minel Kupferberg as a joint inventor in his own signature block and Minel Kupferberg as CEO of M.K. Plastics in Mr. Robitaille's signature block. As stated above, where 37 CFR 1.47(a) is available, application cannot be made under 37 CFR 1.47(b). The available joint inventor must execute the declaration on his own behalf and on behalf of the non-signing inventor. The simplest way to show this is for Mr. Kupferberg to execute a supplemental declaration that includes full information for both joint inventors. Mr. Robitaille's signature block should be left blank. An oath or declaration in compliance with 37

CFR 1.63 and 1.64 signed by joint inventor Kupferberg on behalf of himself and Mr. Robitaille is REQUIRED. *See* 37 CFR 1.76 and MPEP 409.03(a).

As to item (4), a more up-to-date statement of the inventor's last known address is missing and is required.

The current Rule 47 petition fee is $200.00. Petitioner has paid only $130.00. Pursuant to petitioner's authorization, deposit account no. 08-2455 will be charged the $70.00 balance owed.

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) 272-3230.

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

Christopher J. McDonald
HOFFMAN, WASSON & GITLER, P.C.
Suite 522
2461 South Clark Street
Arlington VA 22202

COPY MAILED
JUN 30 2008
OFFICE OF PETITIONS

In re Application of	:	
Kupferberg, et al.	:	DECISION ACCORDING STATUS
Application No. 11/905,619	:	UNDER 37 CFR 1.47(a)
Filed: October 2, 2007	:	
Attorney Docket No. A-10318.CIP	:	

This is in response to the reconsideration petition under 37 CFR 1.47(a), filed March 31, 2008.

The petition under 37 CFR 1.47(a) is granted.

Petitioner has shown that the non-signing inventor, Marc Robitaille, cannot be located after diligent search 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 further pre-examination processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARC ROBITAILLE
860 HELENE ROAD
GATINEAU QC CANADA
J8M 1M5

COPY MAILED

JUN 30 2008

OFFICE OF PETITIONS

In re Application of :
Kupferberg, et al. : LETTER
Application No. 11/905,619 :
Filed: October 2, 2007 :
Attorney Docket No. A-10318.CIP :

Dear Mr. Robitaille:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: Christopher J. McDonald
HOFFMAN, WASSON & GITLER, P.C.
Suite 522
2461 South Clark Street
Arlington VA 22202

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.
11/905,621	10/02/2007	Kyong-hui Jeon	116511.0236	5649

7590 12/05/2008
BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER
HOOK, JAMES F

ART UNIT	PAPER NUMBER
3754	

MAIL DATE	DELIVERY MODE
12/05/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)