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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
53 STATE STREET
EXCHANGE PLACE
BOSTON MA 02109-2881

In re Application of	:	DECISION ON
Coull et al	:	
Application No.: 11/913,521	:	
Int. Application: PCT/US2006/016999	:	
Int. Filing Date: 03 May 2006	:	REQUEST UNDER
Priority Date: 03 May 2005	:	
Attorney's Docket No.: ENS-004	:	
For: Turn Over Probes and Uses Thereof for	:	
Nucleic Acid Detection	:	37 CFR 1.497(d)

This is a decision on applicants' "Amendment to Correct ... Application Under 37 CFR 1.497(d)" filed on 25 September 2008, to remove joint inventor Alexander F. Rosenberg in the executed declaration. The processing fee of $130.00 has been charged to Deposit Account No.: DA 07-1700.

BACKGROUND

On 03 May 2006, applicants filed international application No. PCT/US2006/016999 claiming a priority date of 03 May 2005.

On 02 November 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee, but an executed declaration or oath was not submitted at such time.

On 25 April 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two months from the date of this notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 25 September 2008, applicants filed the instance request, which included, *inter alia*, a statement under 37 CFR.1.497(d) deleting Alexander F. Rosenberg originally listed in the PCT application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

> (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
> (2) the fee set forth in § 1.17(i); and
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (2) - (3) but not item (1) under 37 CFR 1.497(d).

With respect to item (1), the statement submitted on 25 September 2008 by Alexander Rosenberg is sufficient because the statements state that the error in inventorship occurred without a deceptive intent.

However, the executed declaration filed on 25 September 2008 is defective for the reason below, the application may not enter into national stage processing at this time. It does not comply with 37 CFR 1.497(a)(3). A Declaration, under 37 CFR 1.497(a)(3), must identify each inventor. See MPEP § 602. In this instance, applicants submitted a composite declaration comprising of four sets of declarations, which one is complete since each set must be complete by having the correct number of pages and listing all the inventors. In this case only, one set is complete because it comprises of the four (4) pages of the declaration. The other three (3) sets are incomplete because they only contain page 4 of 5 and do not have the other pages of the Declaration to make it complete. Therefore the composite Declaration is incomplete.

Copies of the same page is not part of a proper declaration since it is considered a composite declaration and each must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

With respect to item (2), the processing fee of $130.00 has been paid.

With respect to item (3), Ensemble Discovery Corporation, the assignee, consents to the correction of inventorship to the above application and it has filed in the requisite papers establishing its right to take action under 37 CFR §3.73(b) since the assignment has been recorded in USPTO at Reel/Frame 018707/0892.

Accordingly, the request is not deemed to satisfy all the requirements under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The proper reply is either a proper request under 37 CFR 1.497(d) overcoming the above stated defects. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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28 MAY 2009

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BOSTON MA 02109-2881

In re Application of	:	DECISION ON RENEWED
Coull et al	:	
Application No.: 11/913,521	:	
Int. Application: PCT/US2006/016999	:	
Int. Filing Date: 03 May 2006	:	REQUEST UNDER
Priority Date: 03 May 2005	:	
Attorney's Docket No.: ENS-004	:	
For: Turn Over Probes and Uses Thereof for	:	
Nucleic Acid Detection	:	37 CFR 1.497(d)

This is a decision on applicants' "RENEWED PETITION UNDER 37 CFR 1.497(d)" filed on 04 February 2009.

BACKGROUND

In a decision from this Office mailed on 04 December 2008, the decision indicated that the request was dismissed because the request did not satisfy item (1) of 37 CFR 1.497(d).

On 04 February 2009, applicants filed the current renewed request, which included, *inter alia*, five (5) complete sets of a composite declaration.

DISCUSSION

A review of the renewed request reveals that applicant has satisfied item (1) of 37 CFR 1.497(d). A properly executed declaration has been filed with the renewed request.

Accordingly, applicant is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371 (c)(1), (c)(2), and (c)(4) date of this application is **04 February 2009**.

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21 NOV 2007

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Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of
RONCUCCI et al.
U.S. Application No. 11/913,532
PCT No.: PCT/EP06/62062
Int. Filing Date: 04 May 2006
Priority Date: 05 May 2005
Attorney Docket No.: NOTAR20.002APC
For: PHTHALOCYANINE DERIVATIVES, PROCESS FOR THEIR PREPARATION, PHARMACEUTICAL COMPOSITIONS CONTAINING THEM, AND THEIR USE

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicants' "Statement of Clarification and Petition Under 37 CFR 1.182" filed 08 November 2007 that seeks to correct the international application number on the national stage application papers filed 02 November 2007 so as to allow such materials to be treated as the U.S. national stage of PCT/EP06/62062. Deposit Account No. 11-1410 will be charged the required $400 petition fee.

BACKGROUND

On 04 May 2006, applicants filed international application No. PCT/EP06/62062, which claimed a priority date of 05 May 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 05 November 2007.

On 02 November 2007, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. The submission was assigned U.S. application number 11/913,532.

The materials filed 02 November 2007 included: (1) an Application Data Sheet (ADS) that identified the application as a U.S. national stage of PCT/EP06/62062, filed 04 May 2006; (2) a Preliminary Amendment that identified the application as a national stage of PCT/EP06/62062; and (3) a declaration of inventorship under PCT Rule 4.17(iv) identifying PCT/EP06/62062. The bibliographic data entered by applicants as part of the

electronic filing identified the application as a U.S. national stage of PCT/EP06/61061. Thus, applicants' 02 November 2007 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/EP06/61061 and PCT/EP06/62062.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/EP06/61061, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

DISCUSSION

As noted above, the bibliographical data provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 02 November 2007 can be treated as having been directed to international application PCT/EP06/62062, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition filed 08 November 2007, applicants confirm that the listing of international application PCT/EP06/61061 set forth in the bibliographical data provided by applicant was the result of a typographical error, and that the correct international application is PCT/EP06/62062. It is noted that the correct international application number was listed on the Transmittal Letter filed 02 November 2007, and it is accompanied by payment of the required petition fee that properly identifies the application as the national stage of PCT/EP06/62062. These materials satisfy the requirements for a grantable petition to correct the typographical errors in the bibliographical data filed 02 November 2007 and to permit such materials to be treated as having been directed to international application PCT/EP06/62062.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The materials filed 02 November 2007 have been assigned U.S. application number 11/913,532, and will be treated as the national stage of PCT/EP06/62062.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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18 APR 2008

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

In re Application of:	:	
VAN DAM, Willem, Leendert, Pieter, et al.	:	DECISION ON PETITION
U.S. Application No.: 11/913,534	:	
PCT No.: PCT/DE2006/000168	:	
International Filing Date: 03 February 2006	:	
Priority Date: 05 February 2005	:	
Atty Docket No.: 60291.000063	:	
For: STACKABLE FLAT BOTTOMED CAN	:	

The petition for revival under 37 CFR 1.137(b) filed 02 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 05 August 2007 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due day for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirements of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

Pursuant to the authorization contained on the Form PTO-1390 included in the present submission, Deposit Account No. 50-0206 will be charged the applicable search fee ($410), examination fee ($210), processing fee for filing the translation later than thirty months after the priority date ($130), and surcharge for filing the search and examination fees later than thirty months after the priority date ($130).

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicants

filed an executed declaration under PCT Rule 4.17(iv) during the international phase; however, applicants have not yet submitted an English translation of the international application as filed.

Richard M. Ross
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OFFICE OF PETITIONS

CHRISTIAN D. ABEL
ONSAGERS AS
POSTBOKS 6963 ST. OLAVS PLASS
NORWAY, NORWAY N0130

In re Application of	:	
Trond SUNDE	:	
Application No. 11/913,557	:	DECISION ON PETITION
Filed: February 26, 2008	:	TO WITHDRAW
Attorney Docket No. P19202USPC	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), April 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 Christian D. Abel on behalf of the attorneys of record associated with Customer No. 29078.

The attorneys of record associated with Customer No. 29078 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: TROND SUNDE
NEDREGARDSVEIEN 5
N-6010 ALESUND
NORWAY

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/913,557	02/26/2008	Trond Sunde	P19202USPC

CONFIRMATION NO. 6595

POWER OF ATTORNEY NOTICE

29078
CHRISTIAN D. ABEL
ONSAGERS AS
POSTBOKS 6963 ST. OLAVS PLASS
NORWAY, N-0130
NORWAY

Date Mailed: 06/10/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/17/2009.

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

/dcgoodwyn/

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

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SEP 2 3 2009

Trond Sunde
Nedregardsveien 5
N-6010 Alesund, Norway

Inventor: Trond Sunde	:	PETITION TO RESET
Application No. 11/913,557	:	PERIOD FOR REPLY
Filed: February 26, 2008	:	UNDER
For: MATTRESS WITH INTEGRATED FOAM COMPONENT	:	37 C.F.R. 1.181

This is in response to applicant's petition filed on March 31, 2009 to have the IDS filed on February 1, 2008 considered, the Office Action of March 23, 2009 resent, and the period for reply reset.

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

In review of the file it is noted that the Information Disclosure Statement filed on February 1, 2008 and before the first office action was in proper form under 37 CFR 1.97 and/or 1.98 and should have been considered by the examiner. However, it is disagreed that the examiner failing to properly consider the IDS causes the applicant to be unable to respond. Therefore, the situation is not seen as rising to the level of justifying a reset of the response period.

However, a further review of the office action of March 23, 2009 reveals that the rejections made were unclear and improper. For example claim 1 is rejected under 35 USC 103 as obvious over 3 references and the dependent claims are rejected under 35 USC 102 over a single reference. Therefore, since it is unclear exactly under what grounds the claims are rejected, the office action of March 23, 2009 is hereby **VACATED** and a new office action will be issued.

The application will be forwarded to an examiner to consider the IDS and redraft a new office action, thereby resetting the period for a reply.

Any questions related to this decision should be directed to John G Weiss at (571) 272-6812.

Summary: ***Petition is GRANTED to the extent indicated above.***

Wynn Coggins, Director
Patent Technology Center 3600
(571)-272-5350

jgw/snm:9/23/09

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26 JUN 2008

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PROPAT, L.L.C.
425-C SOUTH SHARON AMITY ROAD
CHARLOTTE NC 28211-2841

In re Application of :
BORST et al. :
Application No.: 11/913,573 :
PCT No.: PCT/EP06/04057 : DECISION ON RESPONSE
International Filing Date: 29 April 2006 :
Priority Date: 06 May 2005
Attorney Docket No.: 05/015 K :
For: TRANSPARENT FOOD CASING WITH :
TEXTILE BACKING MATERIAL :

This is a decision on applicant's "Petition under 37 CFR 1.182" filed in the United States Patent and Trademark Office on 24 June 2008.

On 05 November 2007, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 11/913,573. However the international application PCT/**EP**06/04057 as indicated on the transmittal letter differs from the PCT application number PCT/**US**06/04057 on the Electronic Acknowledgment Receipt.

On 28 May 2008, a Notification of Missing Requirements was mailed to applicant referencing PCT/US06/04057.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to **PCT/EP06/04057** on the national stage papers filed on 05 November 2007 is **GRANTED**. The $400 petition fee will be charged to applicant's deposit account per his authorization.

The Notification of Missing Requirements mailed on 28 May 2008 is hereby **VACATED** as it references an incorrect PCT application number.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision including removal of all papers directed to PCT/US06/04057. The USPTO records will identify the present application 11/913,573 as the national stage of PCT/**EP06**/04057.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571)272-3286

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14 APR 2009

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21839
BUCHANAN, INGERSOLL & ROONEY PC
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In re Application of :
VARNAS *et al* :
U.S. Application No.: 11/913,575 :
PCT No.: PCT/AU2006/000585 :
Int. Filing Date: 05 May 2006 : **DECISION**
Priority Date: 05 May 2005 :
Docket No.: 1021255-000017 :
For: AN ARRAY OF PROGRESSIVE :
OPHTHALMIC LENS ELEMENTS :

This is a decision on the papers filed 06 February 2009 which are treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

BACKGROUND

On 30 April 2008, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee.

On 06 February 2008, applicants filed the subject petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, a copy of the docket records for the law firm for 30 June 2008, a $130.00 surcharge fee and an executed declaration.

DISCUSSION

The time period to respond to the Form PCT/DO/EO/905 mailed 30 April 2008 has expired and no response was received.

As such, the above-captioned application is **ABANDONED**.

Applicants claim that the Form PCT/DO/EO/905 mailed 30 April 2008 was not received. Applicants filed the subject conditional petition to withdraw the holding of abandonment along with an executed declaration in the papers filed 06 February 2008.

The showing required to establish the failure to receive an Office communication consists of: (1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO; (2) a statement that the Office action was not received at the correspondence address of record; (3) a statement that a search of the practitioner's record(s), including

any file jacket or the equivalent, and the application contents, indicates that the Office action was not received; and, (4) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed is required. *See* § 711.03(c)(I)(A) MPEP.

In this case, applicants have provided the required elements. The requisite statements have been made. Applicants also included a copy of the law firm's Master docket for the period which a reply was required, *i.e.*, 30 June 2008. A review of the Master docket verifies that the Form PCT/DO/EO/905 mailed 30 April 2008 was not received and docketed.

Applicants have established the failure to receive the Form PCT/DO/EO/905 mailed 30 April 2008.

CONCLUSION

Applicants' petition to withdraw the holding of abandonment under 37 CFR 1.181 is hereby **GRANTED**.

The declaration filed 06 February 2008 is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the DO/EO/US for further processing.

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22 AUG 2008

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AGFA
c/o KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of:
VERLINDEN, Bart
U.S. Application No.: 11/913,584
PCT No.: PCT/EP2006/062056
International Filing Date: 04 May 2006
Priority Date: 09 May 2005
Attorney's Docket No.: 55505.88
For: DIGITAL PRINTING PRESS WITH AUTOMATED MEDIA TRANSPORT

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the materials filed by applicant on 25 June 2008, treated herein as a request to correct inventorship Under 37 CFR 1.497(d). Applicant has not paid the required $130 processing fee.

BACKGROUND

On 04 May 2006, applicant filed international application PCT/EP2006/062056. The application claimed a priority date of 09 May 2005, and it designated the United States. On 05 July 2007, the International Bureau (IB) communicated a copy of the international application the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 09 November 2007. The published international application identified one applicant/inventor for the U.S.: Bart VERLINDEN.

On 05 November 2007, applicant filed a submission requesting entry into the national stage in the United States including, among other materials, payment of the basic national fee and a three-page declaration document that names and is executed by two inventors, Bart VERLINDEN and Konrad VOSTEEN.

On 02 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. The Notification indicated that the declaration filed 05 November 2007 was defective based on its inclusion of a second inventor who is not named in the international application.

On 25 June 2008, 06 November 2007, applicants filed the response to the Notification of Missing Requirements considered herein under 37 CFR 1.497(d). The response includes a document entitled "Statement That Any Error In Inventorship Occurred Without Deceptive Intent" executed by Konrad VOSTEEN, a document entitled "Consent Of Assignee" executed by Dr. Rudi Geedeweeck (identified as the "Head of Intellectual Property, Agfa Graphics NV"), and complete copies of the two-page declarations executed By Bart VERLINDEN and Konrad VOSTEEN.[1] The submission also included payment of the $130 surcharge required for filing the complete declarations later than thirty months after the priority date.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicant has filed a declaration that names an inventive entity different than that set forth in the international application (specifically, Konrad VOSTEEN has been added as an additional inventor). Accordingly, applicant must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The materials filed by applicant on 25 June 2008 include the required statement of non-deceptive intent from the person to be added as an inventor, Konrad VOSTEEN, satisfying requirement (A). However, applicant has not submitted payment of the required $130 processing fee. Requirement (B) is therefore not satisfied.

With respect to requirement (C), the assignee's consent must be submitted in compliance with 37 CFR 3.73(b) (see 37 CFR 1.497(d)(3); MPEP section 201.03(II)(D)). The "Consent Of Assignee" filed by applicant here does not satisfy the requirements of 37 CFR 3.73(b)(1) and (2). Specifically, with respect to 3.73(b)(1), applicants have not provided a statement from the assignee that "the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation" or that "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)." With respect to 3.73(b)(2), the person signing the

[1] It is noted that the three-page declaration document filed by applicants on 05 November 2007 was an unacceptable compilation of these two declarations (see MPEP section § 201.03(II)(B)).

"Consent Of Assignee" does not expressly state that he is authorized to act on behalf of the assignee, and his title as "Head Of Intellectual Property" does not provide apparent authority to act on behalf of the assignee (see MPEP section 324(V)). Because the consent of the assignee has not been provided in compliance with the requirements of 37 CFR 3.73(b)(1) and (2), the "Consent of Assignee" filed here does not satisfy Requirement (C). This element of a grantable request under 37 CFR 1.497(d) therefore remains unsatisfied.

Applicants have failed to submit all the requirements of a grantable request under 37 CFR 1.497(d). Accordingly, the request to add Konrad VOSTEEN as an additional inventor of record is appropriately dismissed.

Based on the above, the declaration filed 25 June 2008 is defective for failure to properly identify the inventors of record herein.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The inventorship of record herein remains that set forth in the international application, that is, Bart VERLINDEN.

The declaration filed 25 June 2008, which includes additional inventor Konrad VOSTEEN, is defective on the present record for failure to properly identify the inventors of record herein.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy items (B) and (C) of a grantable request, that is, payment of the required $130 processing fee and the written consent of the assignee to the proposed change of inventorship in the form required by 37 CFR 3.73(b).

Failure to file a proper response will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
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07 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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AGFA
c/o KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of:	:	
VERLINDEN, Bart, et al.	:	DECISION ON RENEWED
U.S. Application No.: 11/913,584	:	REQUEST UNDER
PCT No.: PCT/EP2006/062056	:	37 CFR 1.497(d)
International Filing Date: 04 May 2006	:	
Priority Date: 09 May 2005	:	
Attorney's Docket No.: 55505.88	:	
For: DIGITAL PRINTING PRESS WITH AUTOMATED MEDIA TRANSPORT	:	

This decision is issued in response to the "Renewed Request Under 37 CFR 1.497(d)" filed 30 September 2008. Applicants have submitted the required $130 processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 22 August 2008. That decision dismissed applicants' request to correct inventorship under 37 CFR 1.497(d) for failure to satisfy all the requirements of a grantable request. Specifically, applicants had failed to provide the processing fee and the consent of the assignee in an acceptable form.

On 30 September 2008, applicants filed the "Renewed Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

The renewed petition was accompanied by payment of the required processing fee and a revised "Consent of The Assignee" document which complies with the requirements of 37 CFR 3.73(b). Applicants have satisfied the final requirements for a grantable request to correct inventorship under 37 CFR 1.497(d). The requested addition of Konrad VOSTEEN as an additional inventor of record pursuant to 37 CFR 1.497(d) is therefore appropriately granted.

Based on the above correction, the declaration filed 25 June 2008 is now acceptable in compliance with 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to add Konrad VOSTEEN as an additional inventor of record herein.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 25 June 2008.

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TORONTO, ON M5H 3Y2
CANADA

Mail Date: 05/03/2010

Applicant	: Amer Hammami	: DECISION ON REQUEST FOR
Patent Number	: 7591990	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/913,607	: OF WYETH
Filed	: 11/05/2007	:
		:

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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20 FEB 2009

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01444
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In re Application of :
SHIPWAY *et al* :
Application No.: 11/913,629 :
Filing Date: November 5, 2007 :
Attorney Docket No.: SHIPWAY3A : **DECISION**
For: METHACRYLATE-BOUND :
PHOTOISMERIZABLE :
CHROMOPHORE, METHODS FOR ITS :
SYNTHESIS AND OF ITS :
INTERMEDIATES :

This decision is in response to the papers filed on November 20, 2008 which are treated as a petition under 37 CFR 1.181. No fee is required.

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The subject application was filed electronically using the USPTO EFS-Web system on November 5, 2007. Applicant requested that the above-captioned application be processed as "U.S. National Stage under 35 USC 371" of PCT/IL06/00536. The Office processed the application as a national stage as requested. However, no fees accompanied the submission. As such, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed April 9, 2008 for failure to pay the full U.S. Basic National Fee by thirty months.

In the petition filed November 20, 2008, applicant claims that the subject application contained conflicting information in the initial filing and requests that the subject application be treated as a continuation-in-part of an international application under 35 U.S.C. 111(a). A review of the file reveals that the above-captioned application was improperly treated by the Office as a filing under 35 U.S.C. 371. In the papers filed November 5, 2007, the transmittal letter states that the application is a Continuation-In-Part of PCT/IL2006/000536. Moreover, applicant submitted a preliminary amendment which states:

> This application is a Continuation-In-Part of PCT/IL2006/000536 and claims benefit of prior U.S. provisional patent application number 60/677,824 filed May 5, 2005, the contents of which are hereby incorporated by reference in their entirety.

11/913,629

The official USPTO Notice published in the Official Gazette at 1077 OG 13 (April 14, 1987) entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371, (the National Stage of PCT)" states, in part, that: "[i]f there are any conflicting instructions as to which section of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111." Here, the transmittal letter and preliminary amendment contains conflicting information which should have made this a filing under 35 U.S.C. 111(a).

Thus, the Notification of Abandonment (Form PCT/DO/EO/909) mailed April 9, 2008 was sent in error, and is hereby **VACATED**.

The application will be forwarded to the Office of Initial Patent Examination for further processing under 35 U.S.C. 111(a) with a filing date of November 5, 2007.

James Thomson

James Thomson
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25 SEP 2008

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Adams Intellectual Property Law, P.A.
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In re Application of :
O'DONNELL et al. :
U.S. Application No. 11/913,642 : DECISION ON PETITION
PCT No.: PCT/GB06/01599 :
Int. Filing Date: 03 May 2006 :
Priority Date: 03 May 2005 :
Attorney Docket No.: 3777/1US :
For: VALVE ASSEMBLY :

This decision is issued in response to applicants' Petition under 37 CFR 1.47(a) filed 16 September 2008 to accept the application without the signature of joint-inventor, Leslie Checkley.

BACKGROUND

On 03 May 2006, applicants filed international application PCT/GB06/01599 which claimed a priority date of 03 May 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 November 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 03 November 2007.

On 05 November 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; an application data sheet, and a preliminary amendment.

On 23 April 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 September 2008, applicants filed petition under 37 CFR 1.47(a).

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have submitted the required petition fee, and the petition expressly states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, the declaration filed on 16 September 2008 is defective pursuant to 37 CFR 1.497(a)(3) which requires that the declaration "identify each inventor and the residence and country of citizenship of each inventor." In this instance, the declaration executed by Martin O'Donnell does not list Leslie Checkley as an inventor. Therefore, a new declaration executed by Martin O'Donnell, with the second inventor listed thereon, must be filed in order to fulfill the declaration requirement under 35 U.S.C. 371.

Regarding item (4), MPEP section 409.03(d) states that "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

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

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, and drawings) to Leslie Checkley. The Statement of Facts under 37 CFR 1.47(a) asserts that the "non-signing inventor cannot be reached or refuses to sign the oath or declaration." Further, W. Thad Adams states that "Dr. Anna Molony (UK attorney) mailed a complete

set of the application papers to co-inventor, Leslie Checkley." However, the declaration fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventor at his/her last known address. Where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. In cases where it is argued that the non-action of an inventor should be considered a refusal to cooperate it is especially important to provide proof of delivery of the papers, as well as, a firsthand statement of the preparation and mailing of the papers. In addition, the petition relies on evidence directed to the non-signing inventor, but a firsthand statement from the person (Dr. Anna Molony) who apparently sent these communications has not been provided.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Leslie Checkley, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

05 DEC 2008

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In re Application of: O'DONNELL et al.
U.S. Application No. 11/913,642
PCT No.: PCT/GB06/01599
Int. Filing Date: 03 May 2006
Priority Date: 03 May 2005
Attorney Docket No.: 3777/1US
For: VALVE ASSEMBLY

DECISION ON PETITION

In a decision mailed by this Office on 25 September 2008, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted adequate evidence that the nonsigning inventor had received a copy of the complete application papers and refused to execute application. Further, petitioner had not submitted an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventor.

On 25 November 2008, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Anna Molony, with accompanying documents, which provides the required firsthand evidence that a copy of the complete application was delivered to the inventor at his last known address, and that he has not provided the executed declaration, as requested. The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor Leslie Checkley.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing.

Anthony Smith
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Leslie Frank Checkley
259 Hay Green Lane
Bournville
Birmingham
Great Britain B30 1SP

In re Application of: O'DONNELL et al.
U.S. Application No. 11/913,642
PCT No.: PCT/GB06/01599
Int. Filing Date: 03 May 2006
Priority Date: 03 May 2005
Attorney Docket No.: 3777/1US
For: VALVE ASSEMBLY

Dear Leslie Frank Checkley :

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

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Counsel of Record:
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DYKAS, SHAVER & NIPPER, LLP
P.O. BOX 877
BOISE, ID 83701-0877

Mail Date: 04/20/2010

Applicant	: Myeong-Hwan Yeom	: DECISION ON REQUEST FOR
Patent Number	: 7653291	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/913,644	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **259** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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09 MAY 2008

TREXLER, BUSHNELL, GIANGIORGI,
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105 WEST ADAMS STREET
SUITE 3600
CHICAGO, IL 60603

In re Application of BRISLAND :
U.S. Application No.: 11/913,648 :
PCT Application No.: PCT/GB2006/001659 : DECISION
Int. Filing Date: 09 May 2006 :
Priority Date Claimed: 12 May 2005 :
Attorney Docket No.: 198/46981/Case 557 :
For: FLUID POWERED MOTOR OR PUMP :

This is in response to the executed declaration filed 01 May 2008, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 09 May 2006, applicant filed international application PCT/GB2006/001659, which claimed priority of an earlier United Kingdom application filed 12 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 16 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 12 November 2007.

On 05 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 01 May 2008, applicant filed the present request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

Although the declaration is in compliance with 37 CFR 1.497(b)(2), the declaration fails to state the citizenship of the inventor as required by 37 CFR 1.497(a)(3). Therefore, a newly executed declaration must be submitted. Applicant is reminded that a declaration cannot be altered after it has been executed. See MPEP 602.01.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42". No petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

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29 JUL 2008 29 JUL 2008

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In re Application of BRISLAND	:	
U.S. Application No.: 11/913,648	:	
PCT Application No.: PCT/GB2006/001659	:	DECISION
Int. Filing Date: 09 May 2006	:	
Priority Date Claimed: 12 May 2005	:	
Attorney Docket No.: 198/46981/Case 557	:	
For: FLUID POWERED MOTOR OR PUMP	:	

This is in response to applicant's "Renewed Request for Status Under 37 C.F.R. § 1.42" filed 27 May 2008.

BACKGROUND

On 09 May 2006, applicant filed international application PCT/GB2006/001659, which claimed priority of an earlier United Kingdom application filed 12 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 16 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 12 November 2007.

On 05 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 01 May 2008, applicant filed a request for status under 37 CFR 1.42 along with an executed declaration.

On 09 May 2008, this Office mailed a decision dismissing the 01 May 2008 request for status.

On 27 May 2008, applicant filed the present renewed request for status under 37 CFR 1.42 along with a newly executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 27 May 2008 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 09 May 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 27 May 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/913,648	05/27/2008	Michael John Brisland	198/46981/Case 557	7342

279 7590 01/28/2010

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EXAMINER
WEINSTEIN, LEONARD J

ART UNIT	PAPER NUMBER
3746	

NOTIFICATION DATE	DELIVERY MODE
01/28/2010	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):

ptodocket@trexlaw.com

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BLACKSTONE & MARR, LTD.
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In re Application of	:	
BRISLAND, MICHAEL JOHN et al	:	DECISION ON REQUEST TO
Application No. 11/913,648	:	PARTICIPATE IN PATENT
Filed: Nov. 5, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 198/46981/Case 557	:	PROGRAM AND PETITION
For FLUID POWERED MOTOR OR PUMP	:	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 25, 2010 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).

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

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

All other inquiries concerning the examination or status of the application should be directed to Devon Kramer, the SPE of Art Unit 3746, 571-272-7118 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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MAIL

NOV 21 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
BAE, HYUNG-DEUG, et al.
Application No. 11/913,663
Filed: November 5, 2007
Attorney Docket No. 1403-72PCTUS

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 10, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 2 above in that although a translation of the claims has been submitted, the petition fails to include a copy of the actual allowable/patentable claims from the KIPO application.

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

Any response must be submitted via EFS-web.

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

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

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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UNIONDALE NY 11553

In re Application of
BAE, HYUNG-DEUG, et al.
Application No. 11/913,663
Filed: November 05, 2007
Attorney Docket No. 1403-72 PCT US

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 10, 2008 and December 11, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

28 MAR 2008

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WRB-IP LLP
1217 KING STREET
ALEXANDRIA VA 22314

In re Application of:
HENRIKSON, Per
U.S. Application No.: 11/913,705
PCT Application No.: PCT/SE2005/000970
International Filing Date: 17 June 2005
Priority Date: None
Attorney's Docket No.: 00009-166
For: A METHOD AND DEVICE FOR MEASUREMENT OF EDGES

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicant's "Petition To Correct Claim For Benefit Of Earlier-Filed Application" filed 26 March 2008, treated herein as a petition under 37 CFR 1.182. Deposit Account No. 50-3015 will be charged the required $400 petition fee.

BACKGROUND

On 17 June 2005, applicant filed international application PCT/SE2005/000970. The international application did not claim an earlier priority date, and it designated the United States. On 21 December 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 17 December 2007.

On 06 November 2007, applicant filed papers to initiate a U.S. national stage application using the EFS-Web electronic filing system. This submission included, among other materials, an executed declaration and an application data sheet (ADS).

The declaration filed 06 November 2007 executes international application number PCT/SE2005/000970. However, as part of the bibliographic information provided during the electronic filing process, applicant identified the international application number as PCT/SE06/00970.[1] Based on the information entered during the electronic filing process, the present application was established as the U.S. national stage of PCT/SE06/000970.

On 26 March 2008, applicant filed the petition considered herein to correct the error in the international application number identified during the electronic filing of the present national

[1] It is noted that the ADS identified the international application number as PCT/SE20065/00097, an invalid application number.

stage application so as to permit the present application to be treated as the U.S. national stage of PCT/SE2005/000970.

DISCUSSION

As set forth above, the data entered by applicant during the electronic filing process incorrectly identified the international application to which the present national stage filing was directed. Correction of this error is required before the materials filed 06 November 2007 may be treated as having been directed to international application PCT/SE2005/000970, as necessary to avoid abandonment of this international application with respect to the United States.

A grantable petition to correct the international application number so as to avoid abandonment requires the following: payment of the petition fee; a statement confirming the correct international application number; and the inclusion of the correct international application somewhere in the filed application papers prior to the date of abandonment (that is, prior to the expiration of thirty months from the priority date). Here, applicant has provided the required petition fee, and the petition includes the required confirmation that the correct international application is PCT/SE2005/000970. In addition, the correct international application number was set forth on the declaration included with the 06 November 2007 submission (which was filed before the expiration of thirty months from the priority date).

Based on the above, the present submission satisfies the requirements for a grantable petition to correct the error in the national stage materials filed herein so as to permit the materials filed 06 November 200 to be treated as being directed to PCT/SE2005/000970. Accordingly, the materials filed herein, including the basic national fee, are treated as having been directed to PCT/SE2005/000970.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The present application is treated as the U.S. national stage of international application PCT/SE2005/000970.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including updating USPTO records to indicate that the present application is the U.S. national stage of PCT/SE2005/000970. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 November 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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Facsimile: (571) 273-0459

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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
53 STATE STREET
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BOSTON MA 02109-2881

In re Application of :
FOLKMAN, et al. :
Application No.: 11/913,709 :
PCT No.: PCT/US06/19020 : DECISION ON PAPERS
Int. Filing Date: 16 May 2006 :
Priority Date: 16 May 2005 : UNDER 37 CFR 1.42
Attorney Docket No.: CMC-007 :
For: METHOD OF TREATING :
LYMPHANGIOLEIOMYOMATOSIS :
(LAM) :

This decision is in response to applicant's correspondence filed 06 November 2008 in the United States Patent and Trademark Office (USPTO). The filed declaration is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 16 May 2006, applicant filed international application PCT/US06/19020, which claimed priority to an earlier application filed 16 May 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 November 2007.

On 06 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Application Data Sheet and a preliminary amendment.

On 08 April 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 06 November 2008, applicant filed the declaration discussed herein accompanied by a petition for a five-month extension of time. The response is considered timely filed.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 06 November 2008 was executed by George Abrams as executor of the estate of deceased inventor, Judah Folkman. The declaration provides the citizenship for both the deceased inventor and the signing legal representative per 37 CFR 1.497(a)(3). The declaration is accompanied by an Application Data Sheet. As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 16 May 2006 and will be given a date of **06 November 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

0 3 JUN 2008

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Cassan Maclean
307 Gilmour Street
Ottawa Ontario Canada K2P 0P7

In re Application of PERRIS, Kevin
U.S. Application No.: 11/913,742
PCT No.: PCT/CA06/00718
Int. Filing Date: 05 May 2006
Priority Date: 09 May 2005
Attorney Docket No.: 42295-0005
For: A TEMPORARY GUARD RAIL SUPPORT

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is in response to applicant's "Petition under 37 Rule 1.47(b)" filed 06 November 2007 to accept the application without the signature of the sole inventor, Kevin Perris. The $200 petition fee has been submitted.

BACKGROUND

On 05 May 2006, applicant filed international application PCT/CA06/00718 which claimed a priority date of 09 May 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 09 November 2007.

On 06 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. The 37 CFR 1.47(b) applicant has satisfied the

requirements of items (1), (3), (6). However, items (2), (4) and (5) have not been satisfied.

Applicant here has submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), applicant asserts that nonsigning inventor Kevin Perris could not be found nor reached. Section 409.03(d) of the MPEP states the following regarding such cases:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. ...
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

Here, the attempts to locate the nonsigning inventor are set forth in the petition and the accompanying affidavit of Robert Wasitis. These materials reveal that Robert Wasitis has not been in contact with the nonsigning inventor since January 2007. After losing contact with the nonsigning inventor, Robert Wasitis states that he forwarded a copy of the application to the inventor's last known address (which was accepted by Judy Rappel). Based on information received from a colleague of Kevin Perris, Robert Wasitis also conducted an internet search (Canada411.ca) for Mr. Perris in Alberta, Canada (which yielded no listing for a K. Perris).

The materials provided are not sufficient to show that a diligent effort has been made to identify a current address for the inventor and contact him at such address. Applicant must provide evidence that a more extensive search (i.e., beyond Alberta, Canada) has been made to locate the inventor, including evidence of a broader internet search. Until such evidence is provided, item (2) is not considered satisfied.

Regarding item (3), applicant has provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding Item (4), an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor has not been provided. On the present record, item (4) is not satisfied.

Regarding item (5), MPEP section 409.03(f) states the following:

> 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).

Petitioner here has provided an assignment executed by the nonsigning inventor. The assignment transfers the inventor's right to patents in all countries to the 37 CFR 1.47(b) applicant (Xile Innovations, Inc.) with respect to the invention entitled a Temporary Guard Rail Support. The priority application and the present PCT application appear to be identical. This submission therefore satisfies the assignment requirement. However, petitioner has not submitted the required statement under 37 CFR 3.73. Until such statement is provided, item (5) is not satisfied.

Regarding item (6), the petition includes the required express statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Kevin Perris under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
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01 AUG 2008

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In re Application of PERRIS, Kevin
U.S. Application No.: 11/913,742
PCT No.: PCT/CA06/00718
Int. Filing Date: 05 May 2006
Priority Date: 09 May 2005
Attorney Docket No.: 42295-0005
For: A TEMPORARY GUARD RAIL SUPPORT

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is in response to applicant's "Renewed Petition under 37 CFR 1.47(b)" filed 30 July 2008. In a decision dated 03 June 2008, applicant's petition under 37 CFR 1.47(b) to accept the application without the signature of inventor, Kevin Perris, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(b) is moot since the declaration filed 30 July 2008 with the present renewed petition was executed by the named inventor, the previous non-signing inventor, Kevin Perris. The declaration filed 30 July 2008 is acceptable under 37 CFR 1.497.

For the reasons above, the renewed petition under 37 CFR 1.47(b) is **DISMISSED as MOOT**.

The application has an international filing date of 05 May 2006 under 35 U.S.C. 363 and a date of 30 July 2008 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/913,750	11/06/2007	Kentarou Takeda	071980	8684

38834 7590 04/14/2009

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EXAMINER	
STAHL, MICHAEL J	

ART UNIT	PAPER NUMBER
2874	

MAIL DATE	DELIVERY MODE
04/14/2009	PAPER

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

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

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
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WASHINGTON DC 20036

In re Application of	**: DECISION ON REQUEST TO**
Kentarou TAKEDA, et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 11/913,750	**: PROSECUTION HIGHWAY**
Filed: 06 November 2007	**: PROGRAM AND PETITION**
Attorney Docket No.: 071980	**: TO MAKE SPECIAL UNDER**
For: LIQUID CRYSTAL PANEL AND LIQUID CRYSTAL DISPLAY APPARATUS	**: 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 06 November 2007, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) 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;
        iv. Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH pilot program and petition is assessed as follows:

Conditions 1, and 4-6 above are considered to have been met. However the request to participate in the PPH program fails to meet condition 3.

Regarding condition 2, Petitioner has not submitted a copy of the allowable/patentable claims(s) from the JPO application. It is noted an English language translation and statement that the English language translation has been received, however a copy of the Japanese language claims that were allowed have not been submitted.

Regarding condition 3, claim 1, line 8 Δnd is missing the wavelength in parenthesis to properly correspond to the translation accurately.

Regarding condition 7, Petitioner has not submitted an IDS listing all of the documents cited by the JPO examiner in the JPO office action. In addition copies of these references have not been submitted.

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058.

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.

Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/913,750	11/06/2007	Kentarou Takeda	071980	8684

38834 7590 05/06/2009

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
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WASHINGTON, DC 20036

EXAMINER	
STAHL, MICHAEL J	

ART UNIT	PAPER NUMBER
2874	

MAIL DATE	DELIVERY MODE
05/06/2009	PAPER

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

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

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

In re Application of	**: DECISION ON REQUEST TO**
Kentarou TAKEDA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 11/913,750	**: PROSECUTION HIGHWAY**
Filed: 06 November 2007	**: PROGRAM AND PETITION**
Attorney Docket No.: 071980	**: TO MAKE SPECIAL UNDER**
For: LIQUID CRYSTAL PANEL AND LIQUID CRYSTAL DISPLAY APPARATUS	**: 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 06 November 2007 and renewed on 30 April 2009, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

1. The U.S. application 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).

This request to participate in the PPH program and petition fails to satisfy at least condition 2 above, a copy of the allowable/patentable claims from the JPO application has not been supplied. This deficiency, present in the originally filed PPH Petition to Make Special filed on 06 November 2007, was identified in the Dismissal mailed 14 April 2009. The renewed request to participate in the PPH program asserted that a copy of the allowable claims was attached. However this copy is not of record in the file. This application will remain in its regular status and prosecution shall continue in its regular course.

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058.

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.

Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/913,750	11/06/2007	Kentarou Takeda	071980	8684

38834 7590 06/02/2009

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WASHINGTON, DC 20036

EXAMINER
STAHL, MICHAEL J

ART UNIT	PAPER NUMBER
2874	

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

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

In re Application of
Kentarou TAKEDA et al.
Application No.: 11/913,750
Filed: 06 November 2007
Attorney Docket No.: 071980
For: LIQUID CRYSTAL PANEL AND LIQUID CRYSTAL DISPLAY APPARATUS

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 06 November 2007, renewed petition on 30 April 2009, and response to decision on request, filed 12 May 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and

b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

The response to decision on request, filed 12 May 2009, to make the above-identified application special was within the one month or 30 days from the mailing date of the decision to correct the deficiencies, and completed the requirements for participation in the PPH program, this request is hereby GRANTED.

CONCLUSION

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

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

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18 APR 2008

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WOLF, BLOCK, SHORR AND SOLIS-COHEN LLP
250 PARK AVENUE
10TH FLOOR
NEW YORK NY 10177

In re Application of:
LEHWANY, Belal
U.S. Application No.: 11/913,784
PCT No.: PCT/IL2006/000497
International Filing Date: 20 April 2006
Priority Date: 18 April 2005
Atty Docket No.: GOL616.248367
For: APPARATUS AND METHOD FOR INCORPORATING SIGNATURE INTO ELECTRONIC DOCUMENTS

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 07 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 18 October 2007 based on applicant's failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due day for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirements of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that applicant's 07 November 2007 submission included an executed declaration in compliance with 37 CFR 1.497; however, applicant has not yet paid the required surcharge for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 November 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 104/3
EAST HANOVER NJ 07936-1080

In re Patent No. 7,667,039 :
Garcia-Echeverria, et al. :
Issue Date: February 23, 2010 : DECISION ON REQUEST FOR
Application No. 11/913,788 : RECONSIDERATION OF
Filed: November 7, 2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. 34186-US-PCT :

This is a decision on the petition filed on January 6, 2010, which is being treated as a petition under 37 CFR 1.705(b) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one hundred and eight-four (184) days.[1]

The application for patent term adjustment is **DISMISSED.**

On November 5, 2009, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the above-identified application. Patentees were advised that the patent term adjustment to date was 171 days. Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1)[2], 171 days of patent term

[1] It is noted that the subject application matured into U.S. Patent No. 7,667,039 on February 23, 2010. The instant petition under 37 CFR 1.705(b) was filed on January 6, 2010, after the Notice of Allowance was mailed on November 5, 2009, but prior to the payment of the issue fee on January 7, 2010. No decision on the petition under 37 CFR 1.705(b) was made prior to the issuance of the patent. The petition under 37 CFR 1.705(b) timely raised an issue that is properly considered under 37 CFR 1.705(b) and, therefore, is now being treated on its merits.

[2] 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

> (a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:
>
> (1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen

adjustment were accorded during the pendency of the application for Office delay prior to the issuance of patent.

In response, patentees timely filed the instant request for reconsideration of the patent term adjustment. Patentees state that the period of adjustment to the patent term should be 184 days, not 171 days. Specifically, patentees state that:

> In summary, under 37 CFR 1.703(a), applicants are entitled to patent term adjustment "that is fourteen months after the date on which the application...fulfilled the requirements of 35 U.S.C 371 and ending on the date of mailing...an action under 35 U.S.C. 132."
>
> The PTO received all of the requirements under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) on November 7, 2007, not November 20, 2007 as suggested by the USPTO. Accordingly, applicants fulfilled the requirements under 35 U.S.C. 371 on November 7, 2007.
>
> An Official Action was mailed on July 10, 2009. Therefore, fourteen months and 184 days passed from the day after November 7, 2007, when Applicant fulfilled the requirements of 35 U.S.C. 371 and July 10, 2009, the day the PTO mailed the first Official Action under 35 U.S.C. 132.

Excerpt taken from "Application for Patent Term Adjustment Under to 37 CFR § 1.705(b)", filed January 21, 2010, pgs. 1-2.

The application history has been reviewed and it has been determined that the period of adjustment to the patent term pursuant to 37 CFR 1.702(a)(1) and 37 CFR 1.703(a)(1) is 171 days, not 184 as applicants assert.

At the outset, patentees did not use the completion date of November 20, 2007, in calculating the period of adjustment under 37 CFR 1.703(a)(1). As stated in 37 CFR 1.703(a)(1), the period of adjustment under § 1.702(a) is the number of days in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements under 35 U.S.C.

> months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first. It is noted that the requirements of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) were received on November 7, 2007, however the application could not have been said to have fulfilled, or completed, all of the 35 U.S.C. 371 requirements until November 20, 2007. More specifically, where a request for early processing is not made pursuant to 35 U.S.C. 371(f), the date of completion of all 35 U.S.C. 371 requirements cannot be before the expiration of thirty months from the earliest priority date. See 37 U.S.C. 371(f). It is noted that applicants did not request early processing for this application pursuant to 35 U.S.C. 371(f). The earliest priority date for this application is May 20, 2005, and the date that is thirty months therefrom is November 20, 2007. Accordingly, November 20, 2007, is the date the application fulfilled all of the requirements under 35 U.S.C. 371 and is the date that should be used to calculate the examination delay under 37 CFR 1.703(a).

Pursuant to 37 CFR 1.703(a)(1), the period of adjustment under 37 CFR 1.702(a) is 171 days, counting the number of days beginning on the day after the date that is fourteen months after the date on which the application fulfilled the requirements under 35 U.S.C. 371, January 21, 2008, and ending on the date of mailing of the non-final Office action, July 10, 2009. Accordingly, the period of adjustment of 171 days remains unchanged.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 171 days (171 days of Office delay - 0 days of applicant delay).

The $200.00 fee set forth in 37 CFR 1.18(e) was received on January 6, 2010. No additional fees are required.

Patentees are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10)would have been calculated at the time of the issuance of the patent and the patent term adjusted accordingly. Any request for reconsideration of the patent term adjustment indicated on the patent was required to be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e). It is noted that a petition under 37 CFR 1.705(d) was filed March 24, 2010; a decision on the petition is forthcoming under separate cover.

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Anthony Knight
Director
Office of Petitions

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CST

April 1, 2010

In re application of	:	DECISION ON REQUEST TO
Yasuko Iwakawa et al	:	PARTICIPATE IN PATENT
Serial No. 11/913,826	:	PROSECUTION HIGHWAY
Filed: November 7, 2007	:	PROGRAM AND
For: METHOD FOR PRODUCING POLARIZING FILM, AND LIQUID CRYSTAL DISPLAY DEVICE	:	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 filed February 3, 2010.

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

16 JAN 2009

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

In re Application of HARGRAVE et al	:	
U.S. Application No.: 11/913,838	:	
PCT Application No.: PCT/AU2005/000674	:	DECISION
Int. Filing Date: 11 May 2005	:	
Priority Date Claimed: none	:	
Attorney Docket No.: 03164.0216USWO	:	
For: MINING METHODS AND APPARATUS	:	

This is in response to applicant's "Petition Under 37 CFR 1.47(b)" filed 12 November 2008, which is being treated under 37 CFR 1.47(a).

BACKGROUND

On 11 May 2005, applicant filed international application PCT/AU2005/000674. A copy of the international application was communicated to the USPTO from the International Bureau on 16 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 11 November 2007.

On 07 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 May 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 November 2008, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be

reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors, each on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Michael Kelly refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Kelly for signature (see affidavit of Peter Kambouris, ¶8 and Exhibit PK-2B). Furthermore, the petition sufficiently illustrates that Kelly refuses to sign. In particular, Kelly's electronic mail message dated 20 March 2008 (see Kambouris affidavit, ¶9 and Exhibit PK-3) evidences a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Kelly refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 11 May 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 12 November 2008.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

16 JAN 2009

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Michael Shawn Kelly
335 Pullenvale Road
Pullenvale, QLD 4069
AUSTRALIA

In re Application of HARGRAVE et al
U.S. Application No.: 11/913,838
PCT Application No.: PCT/AU2005/000674
Int. Filing Date: 11 May 2005
Priority Date Claimed: none
For: MINING METHODS AND APPARATUS

Dear Michael Shawn Kelly :

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903
Attorney Docket No.: 03164.0216USWO

UNITED STATES PATENT AND TRADEMARK OFFICE

20 JUN 2008

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

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

In re Application of:
ENDO, Kotaro, et al.
U.S. Application No.: 11/913,844
PCT No.: PCT/JP2005/023636
International Filing Date: 22 December 2005
Priority Date: 27 December 2004
Atty Docket No.: SHQBA2.009APC
For: ACRYLIC COPOLYMER

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 07 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 27 June 2007 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in entering the national Phase was unintentional." This statement is construed as the statement required under 37 CFR 1.137(b)(3), that is, a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." In view of this interpretation of applicants' statement, the requirement of 37 CFR 1.137(b)(3) is considered satisfied. Applicants must notify this Office if the above is not a correct interpretation of applicants' statement.

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that applicant's 07 November 2007 submission included an English translation of the international application. Deposit Account No. 11-1410 will be charged the $130 processing fee for filing the English translation later than thirty months after the priority date.

In addition, it is noted that on 05 December 2007, applicants filed an executed declaration in compliance with 37 CFR 1.497 and the $130 surcharge for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 05 December 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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

MAILED

MAR 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Christof Westenfelder	:	DECISION ON PETITION
Application No. 11/913,900	:	TO WITHDRAW
Filed: April 11, 2008	:	FROM RECORD
Attorney Docket No. 10402-30	:	

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 **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.

Further, the Office requires 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 to withdraw as attorney/ agent of record cannot be approved since the above listed certifications were not made. Accordingly, any subsequent requests must include all certifications pursuant to 37 CFR 10.40(c).

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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HOWREY LLP - East
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR, SUITE 200
FALLS CHURCH, VA 22042-2924

Mail Date: 04/21/2010

Applicant	: V. K. Wakchaure	: DECISION ON REQUEST FOR
Patent Number	: 7642455	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/913,925	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2007	: 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.

01 APR 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
KWON	:	
Application No.: 11/913,929	:	DECISION ON
PCT No.: PCT/KR2005/003826	:	
Int. Filing Date: 11 November 2005	:	PETITION UNDER
Priority Date: 11 November 2004	:	
Attorney Docket No.: 0465-1868PUS1	:	37 CFR 1.137(b)
For: A WIRELESS TERMINAL HAVING	:	
INFORMATION EXCHANGE FACILITY,	:	
INFORMATION EXCHANGE SYSTEM AND	:	
METHOD USING THE WIRELESS TERMINAL	:	

This decision is in response to applicant's submission filed 08 November 2007.

BACKGROUND

On 11 November 2005, applicant filed international application PCT/KR2005/003826 which designated the U.S. and claimed a priority date of 11 November 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 May 2007.

On 08 November 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, a declaration of the inventor, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 08 November 2007.

As to item (2), applicant submitted the petition fee on 08 November 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of the inventor filed 08 November 2007 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) of $65 for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 02-2448.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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02 JUN 2008

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

In re Application of:
BEDROSIAN, Camille, L., et al.
U.S. Application No.: 11/913,964
PCT No.: PCT/US2006/017770
International Filing Date: 08 May 2006
Priority Date: 09 May 2005
Atty Docket No.: 2003028-0093
For: BIOMARKERS FOR EVALUATING LIKELIHOOD OF TUMOR SENSITIVITY TO AN MTOR INHIBITOR

DECISION ON PETITION

The "Petition" filed 20 May 2008, treated herein as a petition for revival under 37 CFR 1.137(b), is hereby **GRANTED** as follows:

International application PCT/US2006/305186 became abandoned with respect to the U.S. at midnight on 09 November 2007 based on applicant's failure to submit the basic national fee prior to the expiration of thirty months from the priority date.

The present petition was accompanied by payment of the required petition fee and the "required reply" in the form of payment of the basic national fee. In addition, the present petition indicates that the failure to include the required fee payment with the original national stage materials filed 09 November 2007 was inadvertent, and it includes a statement that "the entire delay from the abandonment of the PCT application on November 10, 2007 to the filing of this petition was unintentional." These statements satisfy the requirements of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application is granted with respect to the U.S.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing

of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicant have not yet submitted an executed declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BRYAN CAVE POWELL GOLDSTEIN
ONE ATLANTIC CENTER FOURTEENTH FLOOR
1201 WEST PEACHTREE STREET NW
ATLANTA GA 30309-3488

MAILED

JUN 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Osamu Yanagimoto	:	DECISION ON PETITION
Application No. 11/913,969	:	TO WITHDRAW
Filed: November 9, 2007	:	FROM RECORD
Attorney Docket No. 143961.00008	:	

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 24, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Charles L. Warner II on behalf of all attorneys of record who are associated with Customer No. 25207.

All attorneys/agents associated with Customer Number 25207 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 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: Osamu Yanagimoto
4-6, Mitsugaoka 2-chome, Nishi-ku
Kobe-shi Hyogo, Japan 651-2228

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Bryan Cave Powell Goldstein
1201 West Peachtree Street, NW
One Atlantic Center, Fourteenth Floor
Atlanta, GA 30309-3488

COPY MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Osamu Yanagimoto	:	
Application No. 11/914,013	:	DECISION ON
Filed: November 9, 2007	:	PETITION TO WITHDRAW
Attorney Docket No. 143961.00009	:	FROM RECORD
	:	

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 24, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 L. Warner, II on behalf of attorney/agents associated with customer number 25207. All attorneys/agents associated with customer number 25207 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: Osamu Yanagimoto
4-6, Mitsugaoka 2-chome
Nishi-ku, Kobe-shi Hyoo
Japan 651-2228

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/914,013	11/09/2007	Osamu Yanagimoto	143961.00009

CONFIRMATION NO. 2346

POWER OF ATTORNEY NOTICE

67678
BRYAN CAVE POWELL GOLDSTEIN
1201 WEST PEACHTREE STREET, NW
ONE ATLANTIC CENTER, FOURTEENTH FLOOR
ATLANTA, GA 30309-3488

Date Mailed: 06/22/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/24/2009.

- 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

10 FEB 2009

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23405
HESLIN ROTHENBERG FARLEY & MESITI PC
5 Columbia Circle
Albany, NY 12203

In re Application of :
ZIMMER *et al* :
U.S. Application No.: 11/914,025 :
PCT No.: PCT/US2006/017914 :
Int. Filing Date: 09 May 2006 :
Priority Date: 09 May 2005 : **DECISION**
Docket No.: 2221.020A :
For: ORGANOMETAL :
BENZENEPHOSPHONATE COUPLING :
AGENTS :

This is a decision on the response filed 22 May 2008 requesting to add five inventors and remove one inventor in the subject application.

BACKGROUND

On 25 April 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 22 May 2008, applicants submitted the instant response along with the surcharge fee and a declaration executed by six inventors.

DISCUSSION

Applicants' state that the declaration filed 22 May 2008 executed by six inventors lists the correct inventors for the above-captioned application.

A review of PCT/US2006/017914shows that only two inventors are listed on the PCT Request. The declaration filed 22 May 2008 in the subject application records six inventors with only one inventor, John J. Talley, overlapping. There is no record that Daniel P. Zimmer has been removed and the other five inventors recorded on the declaration added in the international application pursuant to PCT Rule 92*bis*.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(l); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Here, applicants have not provided items (1) and (3) of 37 CFR 1.497(d).

The processing fee of $130.00 has been charged to Deposit Account No. 08-1935 as authorized.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The declaration filed 22 May 2008 is not in compliance with 37 CFR 1.497(a)(3).

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). **Failure to submit a proper response will result in the abandonment of the above-captioned application.**

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

22 APR 2009

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23405
HESLIN ROTHENBERG FARLEY & MESITI PC
5 Columbia Circle
Albany, NY 12203

In re Application of :
BARDEN *et al* :
U.S. Application No.: 11/914,025 :
PCT No.: PCT/US2006/017914 :
Int. Filing Date: 09 May 2006 :
Priority Date: 09 May 2005 : **DECISION**
Docket No.: 2221.020A :
For: ORGANOMETAL :
BENZENEPHOSPHONATE COUPLING :
AGENTS :

This is a decision on the renewed petition under 37 CFR 1.497(d) requesting to add five inventors and remove one inventor in the above-captioned application filed 25 February 2009.

BACKGROUND

On 10 February 2009, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 25 February 2009, applicants filed a renewed petition along with, *inter alia*, statements by five inventors being added and one inventor being removed as inventors and a paper titled "Written Consent of Assignee Under 37 C.F.R. § 3.73(b)."

DISCUSSION

As previously indicated, 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:
>
> (1) A statement from each person being added as an inventor

and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants completed item (2) of 37 CFR 1.497(d) in the initial petition.

In the renewed petition, applicants submitted statements by five inventors being added and one inventor being deleted in the above-captioned application. Each inventor states that "the error in inventorship occurred without deceptive intention on my part." These statements satisfy item (1) of 37 CFR 1.497(d).

Applicants also provided a "Written Consent of Assignee Under 37 C.F.R. § 3.73(b)." signed by a Mr. Gilba of Microbia, Inc. the assignee. The written consent states that Mr. Gilba is authorized to act on behalf of the assignee. The reel and frame number of the assignment was provided in the consent.

A review of the subject application shows that the reel and frame number provided in the consent is not correct. Nonetheless, an assignment to Microbia, Inc. was recorded in the above-captioned application. This is sufficient to meet the requirements of § 324 MPEP and item (3) of 37 CFR 1.497(d).

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicants' request to delete Daniel P. Zimmer and add Timothy C. Barden, Peter Lee, Eduardo J. Martinez, Wayne C. Schairer and JingJing Yang as inventors pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 22 May 2008 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 May 2006, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 22 May 2008.

This application is being forwarded to the DO/EO/US for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/914,040	11/09/2007	Yasuhisa Inao	00684.136560	2546

5514 7590 07/08/2010

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
YOUNG, CHRISTOPHER G	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
07/08/2010	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
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CT

July 8, 2010

In re application of Yahuhisa Inao et al Serial No. 11/914,040 Filed: November 9, 2007 For: NEAR-FIELD EXPOSURE APPARATUS AND NEAR-FIELD EXPOSURE METHOD	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed May 6, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) 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

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/914,052		Shunsuke SHUTOU	072346	2616

38834 7590 03/27/2008
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER	
ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
03/27/2008	PAPER

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

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

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAR 27 2008

In re Application of
Shunsuke SHUTOU et al.
Application No.: 11/914,052
Filed: November 9, 2007
Attorney Docket No.: 072346
For: POLARIZING PLATE PROVIDED WITH OPTICAL COMPENSATION LAYERS AND IMAGE DISPLAY APPARATUS USING THE SAME

: 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 January 2, 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;

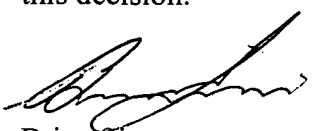
    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation 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).

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 Brian Sircus at 571 272 2058.

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.



Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/914,056	11/09/2007	Mark O'Shea	2909244-000001	2651

7590 02/25/2009

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
Intellectual Property Department
Monarch Plaza, Suite 1600
3414 Peachtree Rd.
ATLANTA, GA 30326

EXAMINER	
MARX, IRENE	
ART UNIT	PAPER NUMBER
1651	
MAIL DATE	DELIVERY MODE
02/25/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/914,056	11/09/2007	Mark O'Shea	2909244-000001	2651

7590 03/19/2009

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
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3414 Peachtree Rd.
ATLANTA, GA 30326

EXAMINER	
MARX, IRENE	

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
03/19/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 03/19/2009 BPOWELL
04/10/2008 SDIRETA1 00000016 110553 11914056
04 FC:1111 100.00 CR -410.00 OP

Adjustment date: 03/19/2009 BPOWELL
04/10/2008 SDIRETA1 00000016 110553 11914056
04 FC:1111 100.00 CR -410.00 OP

Refund Ref: 003006925
03/19/2009

Credit Card Refund Total: $410.00

Am Exp..: XXXXXXXXXXX4009

Adjustment Date: 03/19/2009 BPOWELL
04710/2008 SDIRETAI 00000016 110553 11914056
04 FC:1111 100.00 CR -410.00 OP

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0 6 AUG 2008

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49840
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
Six Concourse Parkway
Suite 3100
Atlanta, GA 30328

In re Application of :
O'SHEA, Mark :
U.S. Application No.: 11/914,065 :
Filing Date: November 09, 2007 :
Docket No.: 2909244-000002 :
For: A FRAME FOR A BOARD :

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

This decision is in response to applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on June 18, 2008.

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 (April 14, 1987) states, in part, that: "[i]f there are any conflicting instructions as to which section of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111."

A review of the subject application reveals that the Office processed the application as the national stage of PCT/IE2006/00053 under 35 U.S.C. 371. However, applicants included a US Utility Application Transmittal (PTO/SB/05) with the original filing on November 09, 2007. The PTO/SB/05 states that the papers were "for filing under 37 CFR 1.53(b)." Application papers submitted under 37 CFR 1.53(b) are filed under 35 U.S.C. 111(a). There are no provisions allowing the Office to disregard these papers containing the conflicting instructions.

Accordingly, the papers deposited on November 09, 2007 constitute a filing under 35 U.S.C. 111(a), not 35 U.S.C. 371.

Therefore, the Notification of Abandonment (Form PCT/DO/EO/909) mailed April 28, 2008 was sent in error and is hereby **VACATED**.

Applicants' petition to revive under 37 CFR 1.137(b) is dismissed as **MOOT**.

The petition to revive fee of $1,540.00 has been credited back to the credit card.

11/914,065

Applicant may wish to consider claiming benefit to the international application (PCT/IE2006/000053) under the provisions of 37 CFR 1.78.

This application is being forwarded to the Office of Patent Application Processing for continued processing as a filing under 35 U.S.C. 111(a).

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/914,065	11/09/2007	Mark O'Shea	2909244-000002	2740

7590 12/19/2008

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
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3414 Peachtree Rd.
ATLANTA, GA 30326

EXAMINER	
ART UNIT	PAPER NUMBER
3742	
MAIL DATE	DELIVERY MODE
12/19/2008	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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/914,065	11/09/2007	Mark O'Shea	2909244-000002	2740

7590 12/24/2008

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ATLANTA, GA 30326

EXAMINER	
ART UNIT	PAPER NUMBER
3742	
MAIL DATE	DELIVERY MODE
12/24/2008	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.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 12/23/2008 BPOWELL
08/06/2008 HDESTAI 00000020 11914065
03 FC:1111 -510.00 OP

Repln. Ref: 12/23/2008 BPOWELL 0012021800
DA#:070137 Name/Number:11784905
FC: 9204 $300.00 CR

2 2 AUG 2008

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49840
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
Six Concourse Parkway
Suite 3100
Atlanta, GA 30328

In re Application of	:	
O'SHEA, Mark	:	
U.S. Application No.: 11/914,067	:	**DECISION**
Filing Date: November 09, 2007	:	
Docket No.: 2909244-000003	:	
For: COLLECTING DEVICE	:	

This decision is in response to applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on June 19, 2008.

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 (April 14, 1987) states, in part, that: "[i]f there are any conflicting instructions as to which section of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111."

A review of the subject application reveals that the Office processed the application as the national stage of PCT/IE2006/00050 under 35 U.S.C. 371. A Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt was mailed on May 02, 2008.

However, applicants included a US Utility Application Transmittal (PTO/SB/05) with the original filing on November 09, 2007. The PTO/SB/05 states that the papers were "for filing under 37 CFR 1.53(b)." Application papers submitted under 37 CFR 1.53(b) are filed under 35 U.S.C. 111(a). There are no provisions allowing the Office to disregard these papers containing the conflicting instructions.

Accordingly, the papers deposited on November 09, 2007 constitute a filing under 35 U.S.C. 111(a), not 35 U.S.C. 371.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt mailed May 02, 2008 were sent in error, and are hereby **VACATED**.

Applicants' petition to revive under 37 CFR 1.137(b) is dismissed as **MOOT**.

11/914,067

The petition to revive fee of $1,540.00 has not been charged. As such, no refund is required.

Applicant may wish to consider claiming benefit to the international application (PCT/IE2006/000050) under the provisions of 37 CFR 1.78.

This application is being forwarded to the Office of Patent Application Processing for continued processing as a filing under 35 U.S.C. 111(a).

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

3 1 OCT 2008

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Dianoosh Salehi
Snell & Wilmer L.L.P.
600 Anton Boulevard, Suite 1400
Costa Mesa, CA 92626

In re Application of	:
CARLSON, Jim	:
US Application No.: 11/914,069	: DECISION ON
PCT Application No.: PCT/US06/18287	:
Int. Filing Date: 11 May 2006	: PETITION UNDER
Priority Date: 11 May 2005	:
Attorney's File Reference: 53344-0300	: 37 CFR §1.47(b)
For: METHOD AND APPARATUS FOR SECURE STORAGE AND REMOTE MONITORING VEHICLE ODOMETER	:

This decision is in response to applicant's "Petition Under 37 C.F.R. §1.47(b)" filed 08 July 2008, which requests that the above national stage application be accepted without the signature of an unavailable inventor Jim Carlson, and to allow the assignee, MOC Products, to apply for a patent on the same national stage application.

BACKGROUND

On 11 May 2006, applicant filed international application PCT/US06/18287. The international application claims a priority date of 11 May 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, which is 11 November 2007.

On 09 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 08 April 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed.

On 08 July 2008, applicant responded with the present petition under 37 CFR 1.47(b) with a petition fee of $200, and a one-month payment of extension of time.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(h); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the inventor; (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor; (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application; and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (3), (5), (6) have been satisfied.

(1) The $200 petition fee has been paid.

(3) Mr. Carlson's last known address as shown in Mr. Berg's declaration is: 1911 S. Calhoun St., Griffith, Indiana 46319.

(5) Petitioner has demonstrated sufficient proprietary interest in the application, as shown in the assignment records. Specifically, petitioner has provided documentary evidence of an assignment from the inventor to Pinpoint Tracking Solutions (see Exhibit E), and an assignment from Pinpoint Tracking Solutions to MOC Products (see Exhibit A).

(6) Petitioner has presented an adequate showing that the granting of this petition is necessary to preserve the rights of MOC Products or to prevent irreparable damage.

Item (2) has not been satisfied. Although the petition states that the inventor cannot be found, telephone messages (see affidavit of Eric Berg, paragraph 7), and postal mail (see affidavit of Eric Berg, paragraph 13) were apparently successfully delivered. Thus, it would not be reasonable to conclude that the inventor cannot be located. It is noted, however, that petitioner may allege that the inventor refuses to sign. Evidence of any purported refusal, e.g. copy of any cover letter sent to the inventor and proof of delivery, should be furnished.

Item (4) has not been satisfied. A proper oath/declaration has not been provided. The oath/declaration filed on 09 November 2007 is defective because it does not provide a signature, by the 37 CFR 1.47(b) applicant.

For the reasons stated above, it would not be possible to grant applicant's petition at the present time.

CONCLUSION

The petition under 37 CFR 1.47(b) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should

include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner of Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Administration.

Helen L. Pezzuto
Detailee
PCT Legal Administration
Telephone: 571-272-6094
Facsimile: 571-273-0459

Bryan Lin
PCT Legal Examiner
PCT Legal Office

0 9 JAN 2009
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Dianoosh Salehi
Snell & Wilmer L.L.P.
600 Anton Boulevard, Suite 1400
Costa Mesa, CA 92626

In re Application of	:
CARLSON, Jim	:
US Application No.: 11/914,069	: DECISION ON
PCT Application No.: PCT/US06/18287	:
Int. Filing Date: 11 May 2006	: PETITION UNDER
Priority Date: 11 May 2005	:
Attorney's File Reference: 53344-0300	: 37 CFR §1.47(b)
For: METHOD AND APPARATUS FOR	:
SECURE STORAGE AND REMOTE	:
MONITORING VEHICLE ODOMETER	:

This decision is in response to applicant's "Renewed Petition Under 37 C.F.R. §1.47(b)" filed 02 December 2008, which was submitted in response to the Decision on Petition mailed on 31 October 2008.

BACKGROUND

On 11 May 2006, applicant filed international application PCT/US06/18287. The international application claims a priority date of 11 May 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, which is 11 November 2007.

On 09 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 08 April 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed.

On 08 July 2008, applicant responded with the filing of a petition under 37 CFR 1.47(b), which was dismissed for the reasons of record, and was mailed on 31 October 2008.

On 02 December 2008, applicant responded with the instant renewed petition along with an executed declaration.

DISCUSSION

The Declaration and Power of Attorney filed on 02 December 2008 appears to be intended for a different application (i.e. 12/065,491). Accordingly, a proper Oath/Declaration from the inventor Jim Carlson remains missing from the instant application.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner of Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Administration.

/Helen L. Pezzuto/
Detailee
PCT Legal Administration
Telephone: 571-272-6094
Facsimile: 571-273-0459

Bryan Lin
PCT Legal Examiner
PCT Legal Office

21 JAN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Dianoosh Salehi
Snell & Wilmer L.L.P.
600 Anton Boulevard, Suite 1400
Costa Mesa, CA 92626

In re Application of	:
CARLSON, Jim	:
US Application No.: 11/914,069	: DECISION ON
PCT Application No.: PCT/US06/18287	:
Int. Filing Date: 11 May 2006	: PETITION UNDER
Priority Date: 11 May 2005	:
Attorney's File Reference: 53344-0300	: 37 CFR §1.47(b)
For: METHOD AND APPARATUS FOR	:
SECURE STORAGE AND REMOTE	:
MONITORING VEHICLE ODOMETER	:

This decision is in response to applicant's "Renewed Petition Under 37 C.F.R. §1.47(b)" filed 13 January 2009, which is filed in response to the Decision on Petition mailed on 09 January 2009.

BACKGROUND

On 11 May 2006, applicant filed international application PCT/US06/18287. The international application claims a priority date of 11 May 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, which is 11 November 2007.

On 09 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 08 April 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed.

On 08 July 2008, applicant responded with the filing of a petition under 37 CFR 1.47(b), which was dismissed for the reasons of record, and was mailed on 31 October 2008.

On 02 December 2008, applicant responded with a renewed petition under 37 CFR 1.47(b), which was dismissed for the reasons of record, and was mailed on 09 January 2009.

On 13 January 2009, applicant responded with the instant second renewed petition accompanying with a copy of the executed Oath and Declaration of inventor Jim Carlson,

requesting that the issue of a missing Oath/Declaration indicated in the Notification of Missing Requirement under 35 U.S.C. 371 (PCT/DO/EO/905) mailed on 08 April 2008 to be addressed.

DISCUSSION

A review of the instant second renewed petition accompanying with the Declaration and Power of Attorney filed on 13 January 2009 is found to be in compliance with 37 CFR 1.497(a) and (b). Since applicant has satisfied the specific requirement as set forth in the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed on 08 April 2008 by the United Stated Designated/Elected Office, the instant petition under 37 CFR 1.47(b) is moot.

CONCLUSION

For the above reasons, applicant's petition filed under 37 CFR 1.47(b) is DISMISSED as MOOT.

This application is being forwarded to the National Stage Processing Division for further processing consistent with this decision.

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Leonard Smith
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12 MAY 2008

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YOUNG & THOMPSON
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In re Application of	:	DECISION ON
Nicolas TOMBU	:	
Application No.: 11/914,071	:	
PCT No.: PCT/FR2005/050540	:	
Int. Filing Date: 5 July 2005	:	PETITION UNDER
Priority Date: 8 July 2004	:	
Attorney's Docket No.: 0540-1105	:	
For: DEVICE FOR CLOSING A BARREL OR THE	:	
LIKE	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition To Revive Unintentionally Abandoned Application Under 37 CFR 1.137(b)," filed on 09 November 2007. The petition fee of $770.00 under 37 CFR 1.17(m) has been charged to Deposit Account No.: 25-0120.

BACKGROUND

On 5 July 2005, this international application was filed, claiming an earliest priority date of 08 July 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 08 January 2007. This international application became abandoned with respect to the United States at midnight on 08 January 2007 for failure to pay the required basic national fee.

On 9 November 2007, applicant filed in the United States Patent and Trademark Office (PTO) entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the instant petition under 37 CFR 1.137(b), the petition fee, and the basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by having submitted the basic national filing fee, (2) the petition fee set forth in §1.17(m), and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

~~Rafael~~ Bacares
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07 OCT 2008

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ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
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In re Application of	:	
RASMUSSEN, Jørgen et al.	:	
Application No.: 11/914,080	:	
PCT No.: PCT/DK2006/000245	:	DECISION
Int. Filing Date: 08 May 2006	:	
Priority Date: 10 May 2005	:	
Attorney Docket No.: 742114-17	:	
For: FORWARD METERING VALVE	:	

This decision is in response to applicants' response to the Notification of Missing Requirements, filed with the United States Patent and Trademark Office on 23 May 2008.

The inventorship in an international application is set during the international phase. The inventors include those in the filed PCT and any changes made under PCT Rule 92*bis* prior to 30 months from the priority date. This request under PCT Rule 92*bis* was not made prior to 30 months. As such, the inventorship remains as it was at 30 months from the priority date. If that inventorship is incorrect, then applicants should file a request under 37 CFR 1.497(d) along with the fee to correct the inventorship.

A proper response is required within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in the abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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PCT Legal Administration

Telephone: 571-272-3292
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- 2 DEC 2009

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Intellectual Property Department
P.O. Box 10064
MCLEAN VA 22102-8064

In re Application of	:	
RASMUSSEN, Jørgen, et al.	:	
Application No.: 11/914,080	:	DECISION
PCT No.: PCT/DK2006/000245	:	
Int. Filing Date: 08 May 2006	:	ON REQUEST UNDER
Priority Date: 10 May 2005	:	
Attorney's Docket No.: 742114-17	:	37 CFR 1.497(d)
For: FORWARD METERING VALVE	:	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 09 March 2009.

BACKGROUND

On 07 October 2008, the Office mailed Decision indicating that the inventors in the declaration did not match the inventors in the international application and that there was an inventor missing from the declaration. It further indicated that an oath or declaration in compliance with 37 CFR 1.497(a)-(b)was required.

On 09 March 2009, applicant filed this request to delete an inventor from the application and the fee for a three month extension of time. 07 March 2009 was a Saturday.

DISCUSSION

Applicants file this request to remove Søren Sørensen, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has not been satisfied. The written consent of the assignee in compliance with 37 CFR 3.73 has not been furnished. The consent indicates that the statement under 37 CFR 3.73 accompanies it, but it does not appear to have been furnished.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web 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.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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- 3 FEB 2010

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Intellectual Property Department
P.O. Box 10064
MCLEAN VA 22102-8064

In re Application of	:	
RASMUSSEN, Jørgen, et al.	:	
Application No.: 11/914,080	:	DECISION
PCT No.: PCT/DK2006/000245	:	
Int. Filing Date: 08 May 2006	:	ON REQUEST UNDER
Priority Date: 10 May 2005	:	
Attorney's Docket No.: 742114-17	:	37 CFR 1.497(d)
For: FORWARD METERING VALVE	:	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 08 December 2009.

BACKGROUND

On 02 December 2009, the Office mailed Decision On Request Under 37 CFR 1.497(d), refusing applicant's request.

On 08 December 2009, applicant filed this renewed request accompanied by the statement under37 CR 3.73(b).

DISCUSSION

Applicants file this request to remove Søren Sørensen, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has been satisfied.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

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UNITED STATES PATENT AND TRADEMARK OFFICE

26 JAN 2010

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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
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PHILADELPHIA PA 19103-2307

In re Application of:	:	
SPETZ-HOLMGREN, et al.	:	DECISION ON REQUEST
U.S. Application No.: 11/914,087	:	FOR REFUND OF FEES
Int'l Application No: PCT/GB2006/001709	:	
Int'l Filing Date: 10 May 2006	:	
Priority Date: 10 May 2005	:	
Atty Docket No.: 0046-P04443US0	:	
For: CELLULAR VACCINE AND USE THEREOF	:	

The request for refund filed 10 August 2009, and again on 27 October 2009, in the above-captioned application is hereby **GRANTED** as follows:

A review of the application file finds that applicant filed 135 pages of specification, claims and drawings complete with a preliminary amendment upon entering the U.S. National stage on 09 November 2007. At the time applicant provided payment of $260.00 as an additional fee for specification and drawings filed in paper over 100 sheets. Therefore, applicant's deposit account should not have been charged an additional $260.00 for this fee on 08 July 2009. As requested this amount will be refunded to deposit account 04-1406.

This application has been forwarded to Group Art Unit 1644 for examination.

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KNOBBE MARTENS OLSON & BEAR LLP
BRENT C. MOORE
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IRVINE, CA 92614

MAILED

FEB 17 2009

OFFICE OF PETITIONS

Applicant: Jackson
Appl. No.: 11/914,119
International Filing Date: May 11, 2006
Title: FUNGAL MATERIAL STABILISATION
Attorney Docket No.: JAMES132.001APC
Pub. No.: US 2008/0254054 A1
Pub. Date: October 16, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 11, 2008, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the first and second inventors' names "Trevor Anthony Jackson" and "Jayanthi Swaminathan" are misspelled as "Trevor Antony Jackson" and "Jayanthis Swaminathan."

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

The typographical errors in the inventor's names on the front page of the publication may be Office errors, but they are not material Office errors under 37 CFR 1.221. The typographical errors in the inventors' names do not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

publication, 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.

On July 11, 2008, a Filing Receipt was mailed by the Office, which listed the improperly listed the inventors names. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a Corrected Filing Receipt.

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

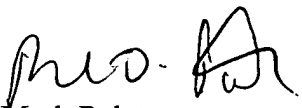
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

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



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

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22 JAN 2009

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Veronica Weinstein
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In re Application of	:
BAUMLIN, Jean-Marie et al.	:
US Application No.: 11/914,129	: DECISION ON
PCT Application No.: PCT/EP06/03669	:
Int. Filing Date: 21 April 2006	: PETITION UNDER
Priority Date: 09 May 2005	:
Attorney's File Reference: 681954.0812	: 37 CFR §1.47(b)
For: REUSABLE ELECTRONIC WRITING AND DISPLAYING DEVICE	:

This decision is in response to applicant's "PETITION UNDER 37 C.F.R. §1.47(b)" filed 08 October 2008, which request that the above national stage application be accepted without the signatures of all the inventors, and to allow the assignee, Industrial Technology Research Institute (ITRI) to sign the Declaration and to apply for a patent on the same national stage application.

BACKGROUND

On 21 April 2006, applicant filed international application PCT/EP06/03669. The international application claims a priority date of 09 May 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, which is 09 November 2007.

On 09 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 09 April 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed.

On 08 October 2008, applicant responded with the filing of the present petition under 37 CFR 1.47(a) with a petition fee of $200, and a four-month payment of extension of time.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(h); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the inventor; (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor; (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application; and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (3), and (4) have been satisfied.

(1) The $200 petition fee has been paid.

(3) The last known address of the inventors is: Kodak Industrie, Department Brevets, CRT-Zone Industrille, 71102 Chalon-Sur-Saone Cedex, France.

(4) A proper oath/declaration was executed under the requirement of 37 CFR 1.47(b).

Regarding item (2) above, MPEP 409.03(d) states in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

The Petition evidence provided under 37 CFR 1.47(b) is insufficient to demonstrate the "factual proof" required under Rule 47(b). The packages was returned as "undeliverable" (see Exhibit 4), and according to the Declaration of Fabienne Laurent, the inventors were no longer employees of Kodak Industrie at the time when the packages were mailed (see Exhibit 3). However, the Declaration of Fabienne Laurent lacks a specific statement regarding the last known addresses of the inventors when they were employees of Kodak Industrie, and a showing that ITRI has attempt to

contact the inventors at said last known addresses. Furthermore, there is nothing on the record which demonstrates a diligent effort was made to locate the inventors, e.g. through an internet search, or through a search of a telephone directory.

In accordance with MPEP 409.03(d), copies of documentary evidence, such as internet searches, telegrams, etc. which, in concert with the statement, would demonstrate factual proof that a diligent effort to search for the nonsigning inventor had been made, should be submitted.

Regarding item (5), petitioner has not demonstrated sufficient proprietary interest in the application. Specifically, the assignment of French Patent Application No. 0504609 from EKC to ITRI (see Exhibit 1) does not extend to the assignment of the corresponding PCT application. Furthermore, the Legal Memorandum by Mr. Daniel Neyret (see Exhibit 5) does not specifically state that a court would award ownership of the invention.

Regarding item (6), the petitioner has not presented an adequate showing that the granting of this petition is necessary to preserve the rights of ITRI or to prevent irreparable damage.

CONCLUSION

For the reasons stated above, the petition under 37 CFR 1.47(b) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner of Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Administration.

/Helen L. Pezzuto/
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Richard Cole
PCT Legal Examiner
PCT Legal Office

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05 AUG 2009

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Palo Alto, CA 94306-2112

In re Application of BAUMLIN, Jean-Marie et al.	:
Application No.: 11/914,129	:
PCT Application No.: PCT/EP2006/003669	:
Int. Filing Date: 21 April 2006	: DECISION ON
Priority Date: 9 May 2005	:
Attorney Docket No.: 054788/363162	: PETITION UNDER
For: REUSABLE ELECTRONIC WRITING AND DISPLAYING DEVICE	:
	: 37 CFR 1.47(a)
	:
	:

This decision is in response to applicants' "Petition to Accept Declaration - Under 37 CFR 1.47(a)" filed in the United States Patent and Trademark Office (USPTO) on 22 July 2009.

BACKGROUND

On 21 April 2006, applicants filed international application PCT/EP2006/003669, which claims priority date of 9 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 16 November 2006. The thirty-month period for paying the basic national fee in the United States expired midnight on 09 November 2007.

On 09 November 2007, applicants filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee.

On 09 April 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the invention in compliance with 37 CFR 1.497(a) was required.

On 8 October 2008, applicants filed a petition under 37 C.F.R. 1.47(b).

On 22 January 2009, the USPTO dismissed the petition under 1.47(b) without prejudice.

On 22 July 2009, applicants filed the present petition to Accept Declaration under 37 C.F.R. 1.47(a) which was accompanied by, *inter alia*, an executed Declaration of Inventors by Mr. Jean-Marie BAUMLIN, Mr. Jerome EMONOT, and Mr. Thierry PRIGENT, a $200 petition fee; and documentary evidence in support of the petition (Exhibits 1-4).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding item (1), the $200 petition fee has been charged to the deposit account 16-0605 as authorized by applicant.

Regarding item (2), applicant has provided documentary evidence showing the following: A complete copy of the PCT application corresponding to the above-identified US patent application was sent by email to the non-signing inventor on 07 March 2009 (Exhibit 2). The non-signing inventor requesting a French version of the attached forms dated 29 May 2009 (Exhibit 3). An email dated 21 July 2009 including an attachment of the Declaration (French-English) (Exhibit 3). Several attempts were made to the non-signing inventor requesting execution of the Declaration (Exhibit 3). His failure to respond with an executed declaration constitutes a refusal to join as contemplated by section 409.03(d)(II) of the MPEP and satisfies item (2) of 37 CFR 1.47(a).

Regarding item (3), applicant has provided the required address.

Regarding item (4), the declaration is an improper composite document, specifically, it is not proper to attach a fragment (e.g., the signature page signed by inventor Prigent) of one copy of a declaration to the pages of another declaration to form a single document for submission.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT,

Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

/Brian Whiteman/
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Bryan Lin
Legal Examiner
Office of PCT Legal Administration

30 SEP 2009

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Palo Alto CA 94306

In re Application of	:	
BAUMLIN et al.	:	
Application No.: 11/914,129	:	DECISION
PCT No.: PCT/EP2006/003669	:	
Int. Filing Date: 21 April 2006	:	
Priority Date: 09 May 2005	:	
Attorney Docket No.: 054788/363162	:	
For: REUSABLE ELECTRONIC WRITING AND DISPLAYING DEVICE	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 21 August 2009 and applicants' supplemental renewed petition under 37 CFR 1.47(a) filed 22 September 2009. The petition is **DISMISSED** as **MOOT**.

BACKGROUND

On 21 April 2006, applicants filed international application PCT/EP2006/003669, which designated the United States and claimed a priority date of 09 May 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 16 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 November 2007.

On 09 November 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 09 April 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, inter alia, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 October 2008, applicants filed a petition under 37 CFR 1.47(a).

On 22 January 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 22 July 2009, applicants filed a renewed petition under 37 CFR 1.47(a).

On 05 August 2009, a decision was mailed dismissing without prejudice applicants' renewed petition under 37 CFR 1.47(a).

On 21 August 2009, applicants filed a renewed petition under 37 CFR 1.47(a).

On 22 September 2009, applicants filed a supplemental renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of inventors signed by previously non-signing inventor Eric Fallet.

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declarations of inventors filed 21 August 2009 and 22 September 2009 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAY 06 2010

OFFICE OF PETITIONS

Applicant: Karras, et al.
Appl. No.: 11/914,131
International Filing Date: May 12, 2006
Title: MODULATION OF STAT 6 EXPRESSION FOR THE TREATMENT OF AIRWAY HYPERRESPONSIVENESS
Pub. No.: US 2009/0191133 A2
Pub. Date: July 30, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on September 30, 2009, for the above-identified application.

The request is granted.

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

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

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

14 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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24738
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. Box 3001
Briarcliff Manor, NY 10510

In re Application of :
REUMERMAN *et al* :
U.S. Application No.: 11/914,155 :
PCT No.: PCT/IB2006/051505 :
Int. Filing Date: 12 May 2006 : **DECISION ON**
Priority Date: 12 May 2005 : **PETITION UNDER**
Docket No.: PH000953US3 : **37 CFR 1.137(b)**
For: DISTRIBUTED MEDIUM ACCESS :
PROTOCOL FOR WIRELESS MESH :
NETWORKS :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 14 May 2009 is hereby **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) & (b) was submitted as the appropriate response. The petition fee and surcharge fee have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/063,903		Hiroyuki YOSHIMI	072654	3582

38834 7590 05/08/2008

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER	
ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
05/08/2008	PAPER

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

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

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Alexandria, VA 22313-1450
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McDERMOTT, WILL & EMEY LLP
600 Thirteenth Street, N.W.
Washington, DC 20005-3096

In re Application of	:	
Yusuke ADACHI	:	DECISION ON REQUEST TO
Application No. 11/914,158	:	PARTICIPATE IN PATENT
Filed: November 12, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 07195-0302	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
For: ULTRASONIC ACTUATOR	:	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 01/31/2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:

a. Documentation of prior office action:
    i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
    iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;

6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

****

Conditions 1, 4-7 above are considered to have been met. Here it is noted that the instant JPO application is a first action allowance and no office action from the JPO is necessary.

Regarding the requirement of condition (3), it does not appear that all the claims in the U.S. application sufficiently correspond or have been amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s).

A proper response in this case must 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).

It appears that the following change is required to ensure all the claims in the U.S. application sufficiently correspond or have been amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s).

In claim 12, line 2, change "one of metallic wires" to "one of a metallic wire".

The following change to claim 2 is suggested to eliminate a minor lack of antecedent basis in the claim.

In claim 2, line 2, change "parts are" to "portion is".

The following change to claim 12 is suggested to eliminate a minor grammatical error.

In claim 12, line 2, delete the verb, "are".

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/914,158		Yusuke ADACHI		3942

53080 7590 06/17/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER	
ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
06/17/2008	PAPER

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

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

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McDERMOTT, WILL & EMEY LLP
600 Thirteenth Street, N.W.
Washington, DC 20005-3096

In re Application of	:	
Yusuke ADACHI	:	DECISION ON REQUEST TO
Application No. 11/914,158	:	PARTICIPATE IN PATENT
Filed: November 12, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 07195-0302	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
For: ULTRASONIC ACTUATOR	:	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 01/31/2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:

a. Documentation of prior office action:
    i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
    iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;

6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

****

Conditions 1, 4-7 above are considered to have been met. Here it is noted that the instant JPO application is a first action allowance and no office action from the JPO is necessary.

Regarding the requirement of condition (3), it does not appear that all the claims in the U.S. application sufficiently correspond or have been amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s).

A proper response in this case must 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).

It appears that the following change is required to ensure all the claims in the U.S. application sufficiently correspond or have been amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s).

In claim 12, line 2, change "one of metallic wires" to "one of a metallic wire".

The following change to claim 2 is suggested to eliminate a minor lack of antecedent basis in the claim.

In claim 2, line 2, change "parts are" to "portion is".

The following change to claim 12 is suggested to eliminate a minor grammatical error.

In claim 12, line 2, delete the verb, "are".

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/914,158		Yusuke ADACHI		3942

53080 7590 07/14/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER	
ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
07/14/2008	PAPER

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

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

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McDERMOTT, WILL & EMEY LLP
600 Thirteenth Street, N.W.
Washington, DC 20005-3096

In re Application of	:	
Yusuke ADACHI	:	DECISION ON REQUEST TO
Application No. 11/914,158	:	PARTICIPATE IN PATENT
Filed: November 12, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 07195-0302	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
For: ULTRASONIC ACTUATOR	:	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 01/31/2008, and request for reconsideration, filed 7/3/2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:

a. Documentation of prior office action:
    i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
    iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;

6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

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.

The following change to claim 15 is suggested to eliminate a minor lack of antecedent basis in the claim.

In claim 15, line 2, change "part is" to "portion is".

The following change to claim 17 is suggested to eliminate a minor lack of antecedent basis in the claim.

In claim 17, line 3, change "part is" to "portion is".

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://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

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22 APR 2008

Warner Norcross & Jude LLP
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapid, MI 49503-2487

In re Application of :
WARTEL, Daniel :
Application No.: 11/914,162 : DECISION ON PETITION
PCT No.: PCT/US05/16447 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 11 May 2005 :
Priority Date: 11 May 2004 :
Attorney Docket No.: 122948.123436-0003 :
For: SOFTWARE FOR AUTOMATICALLY :
PROVIDING QUOTES

The petition to revive under 37 CFR 1.137(b) filed 12 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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COPY MAILED

SEP 23 2009

OFFICE OF PETITIONS

PERKINS COIE LLP
POST OFFICE BOX 1208
SEATTLE WA 98111-1208

In re Application of
KANG, Youshu et al.
Application No. 11/914,216
Filed: November 12, 2007
Attorney Docket No. **56536.8026.US00**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 09, 2009.

The request is **APPROVED**.

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

The request was signed by James J. Zhu on behalf of all attorneys of record who are associated with customer No. 34055. All attorneys/agents associated with the Customer Number 34055 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: **YOUSHU KANG**
ROOM 1402, NO. 97, LANE
158, BAO CHENG ROAD
SHANGHAI P.R CHINA 201100

cc: **ACCELERGY CORPORATION**
18000 GROESCHKE ROAD, SUITE D-1
HOUSTON TX 77084

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PERKINS COIE LLP
POST OFFICE BOX 1208
SEATTLE WA 98111-1208

COPY MAILED

SEP 23 2009

OFFICE OF PETITIONS

In re Application of :
CONG, Peijun et al. :
Application No. 11/914,222 : DECISION ON PETITION
Filed: November 12, 2007 : TO WITHDRAW
Attorney Docket No. **56536.8020.US00** : FROM RECORD
:

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 09, 2009.

The request is **APPROVED**.

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

The request was signed by James J. Zhu on behalf of all attorneys of record who are associated with customer No. 34055. All attorneys/agents associated with the Customer Number 34055 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: **PEIJUN CONG**
WEST FIRST FLOOR, BILDING #5
3000 LONGDONG AVENUE
ZHANGJIANG HIGH-TECH PARK, PUDONG
SHANGHAI 201203
CHINA

cc: **ACCELERGY CORPORATION**
18000 GROESCHKE ROAD
SUITE D-1
HOUSTON TX 77084

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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BAKER & DANIELS LLP
111 E. WAYNE STREET
SUITE 800
FORT WAYNE, IN 46802

Mail Date: 04/21/2010

Applicant	: Jiri Sedivy	: DECISION ON REQUEST FOR
Patent Number	: 7651057	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/914,258	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **35** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

29 JUL 2008

Commissioner for Patents
United States Patent and Trademark Office
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Borden Ladner Gervais LLP
L. Anne Kinsman
World Exchange Plaza
100 Queen Street Suite 1100
Ottawa ON K1P 1J9 Canada

In re Application of :
TEOW et al. :
Application No.: 11/914,312 :
PCT No.: PCT/CA06/00771 :
Int. Filing Date: 15 May 2006 : DECISION ON PETITION
Priority Date: 13 May 2005 :
Attorney Docket No.: PAT 4432W-2 :
For: CRYPTOGRAPHIC CONTROL FOR MOBILE STORAGE MEANS :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 24 June 2008 to accept the application without the signature of joint-inventor, Ernest Dainow.

BACKGROUND

On 15 May 2006, applicants filed international application PCT/CA06/00771 which claimed a priority date of 13 May 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 13 November 2007.

On 13 November 2007, applicants filed a transmittal letter for entry into the national stage in the United States for international application PCT/CA06/00771, which included, among other materials: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an application data sheet; and a copy of the international application.

On 24 April 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond. The notification set a two-month time limit in which to respond.

On 24 June 2008, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

Here, the evidence submitted to demonstrate Ernest Dainow's refusal to execute the application papers is contained in the Declaration of L. Anne Kinsman included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (Ernest Dainow). However, a review of the declarations filed on 24 June 2008 reveals that the declaration is not in an acceptable form. Applicants have provided a defective executed composite declaration. A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. The composite declaration is defective because it contains duplicate sheets of page 2 of 2. This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration. Either alternative renders the submitted declaration defective under 37

CFR 1.497. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.) Item (4) is therefore not satisfied.

For the above reasons, it would not be appropriate to accept this application without the signature of Ernest Dainow at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3298
Fax: (571) 273-0459

02 SEP 2008

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Borden Ladner Gervais LLP
L. Anne Kinsman
World Exchange Plaza
100 Queen Street Suite 1100
Ottawa ON K1P 1J9 Canada

In re Application of :
TEOW et al. :
Application No.: 11/914,312 :
PCT No.: PCT/CA06/00771 :
Int. Filing Date: 15 May 2006 : DECISION ON PETITION
Priority Date: 13 May 2005 :
Attorney Docket No.: PAT 4432W-2 :
For: CRYPTOGRAPHIC CONTROL FOR MOBILE STORAGE MEANS :

In a decision mailed by this Office on 29 July 2008, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, applicants had not submitted an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventor (the declaration submitted appeared to be a compilation of multiple declaration documents).

On 06 August 2008, applicants filed the renewed petition considered herein. The renewed petition is accompanied by copies of the complete two-page declaration documents executed by the three cooperating inventors, each of which includes an unsigned signature block for the non-signing inventor. These declarations satisfy the final outstanding requirement for a grantable petition under 37 CFR 1.47(a).

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventor Ernest Dainow.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of

the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 August 2008.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3298
Fax: (571) 273-0459

02 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Ernest Dainow
275 Upper Highland Cr.
Toronto, Ontario Austria
Canada 2P 1V4

In re Application of
TEOW et al.
Application No.: 11/914,312
PCT No.: PCT/CA06/00771
Int. Filing Date: 15 May 2006
Priority Date: 13 May 2005
Attorney Docket No.: PAT 4432W-2
For: CRYPTOGRAPHIC CONTROL FOR MOBILE STORAGE MEANS

Dear Ernest Dainow:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Borden Ladner Gervais LLP
L. Anne Kinsman
World Exchange Plaza
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Ottawa ON K1P 1J9 Canada

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624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

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NOV 0 5 2008

OFFICE OF PETITIONS

In re Application of :
KRISTIANSEN :
Application No.: 11/914,318 : DECISION ON PETITIONS
International Filing Date: July 15, 2005 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: KRISTIANSEN4A : AND 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 9, 2008, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application PCT/DK2005/000498 set forth in the Application Data Sheet (ADS) filed concurrently with the instant petition and on the concurrently filed petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior-filed provisional applications 60/690,496 and 60/761,744.

The petition under 37 CFR 1.78(a)(3) is **GRANTED**.

The petition under 37 CFR 1.78(a)(6) is **DISMISSED AS MOOT**.

I. Petition Under 37 CFR 1.78(a)(3)

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an ADS, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

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

II. Petition Under 37 CFR 1.78(a)(6)

37 CFR 1.78(a)(5)(ii) states in relevant part, "If the later-filed application is a nonprovisional application which entered the national stage from an international application after compliance with 35 U.S.C. 371, this reference must also be submitted within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) in the later-filed international application or sixteen months from the filing date of the prior-filed provisional application."

In the present case, international application PCT/DK2006/000253 contained appropriate references to prior-filed provisional applications 60/690,477 and 60/690,496 within the time period set forth in 37 CFR 1.78(a)(5)(ii).

Any inquiries concerning this decision may be directed to Bryan Lin at (571)272-3303. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to the appropriate Technology Center Art Unit in due course for appropriate action, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

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NOV 16 2009

OFFICE OF PETITIONS

STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

In re Application of :
Gideon Levingston :
Application No. 11/914,322 : ON PETITION
Filed: May 14, 2008 :
Attorney Docket No. P09392US00/DEJ :

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

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

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

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

Telephone inquiries 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

19 FEB 2009

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26123
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Anne Kinsman
WORLD EXCHANGE PLAZA
100 QUEEN STREET SUITE 1100
OTTAWA ON K1P 1J9 CA CANADA

In re Application of
TEOW *et al*
U.S. Application No.: 11/914,339
PCT No.: PCT/CA2006/000775
Int. Filing Date: 15 May 2006
Priority Date: 13 May 2005
Attorney Docket No.: PAT 4431W-2
For: CONTENT CRYPTOGRAPHIC FIREWALL SYSTEM

DECISION

This decision is in response to the papers filed 17 November 2008 which are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 13 November 2007, applicants filed papers to enter the national stage using the USPTO EFS-Web system as the national stage of PCT/CA2003/000775. All other papers filed indicate that the application was intended to be the national stage of PCT/CA2006/000775. The application was processed as the national stage of PCT/CA2003/000775 by the USPTO.

On 15 September 2008, a communication was mailed requesting clarification on the PCT number.

On 17 November 2008, applicants filed a petition to change the underlying PCT application in the above-identified national stage application.

DISCUSSION

Applicants petition to correct the PCT number in the above-captioned national stage application to PCT/CA2006/000775. This request is treated as a petition under 37 CFR 1.182. The $400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was designated when filing the application electronically using the USPTO EFS-Web. The PCT number was listed as PCT/CA03/00775 by applicant when filing electronically with the USPTO.

However, all indications on the transmittal letter including the name of the inventors, the title, and the international filing date correspond to PCT/CA2006/000775. Similarly, the ADS refers to the underlying international application as PCT/CA2006/000775. WIPO records also indicate that the title of the subject application corresponds to PCT/CA2006/000775. Moreover, applicants state in the instant petition that the PCT number should be PCT/CA2006/000775.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/CA2006/000775 and that applicants simply made a typographical error upon filing.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/CA2006/000775.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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06 APR 2009

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OTTAWA ON K1P 1J9 CA CANADA

In re Application of :
TEOW *et al* :
U.S. Application No.: 11/914,339 :
PCT No.: PCT/CA2006/000775 :
Int. Filing Date: 15 May 2006 : **DECISION**
Priority Date: 13 May 2005 :
Attorney Docket No.: PAT 4431W-2 :
For: CONTENT CRYPTOGRAPHIC :
FIREWALL SYSTEM :

This decision is in response to applicants' petition under 37 CFR 1.47 filed 10 June 2008.

BACKGROUND

On 10 April 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 10 June 2008, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a $200.00 petition fee; a $65.00 surcharge fee; a declaration signed by two of the four named inventors; an affidavit by Anne Kinsman, and other documentary evidence in support of the petition.

DISCUSSION

Applicants claim that joint inventors, Ernest Dainow and Daniel Thanos refuse to cooperate in the above-captioned application and filed the subject petition in response to the Form PCT/DO/EO/905 mailed 10 April 2008.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor(s) cannot be located or refuses to cooperate; (3) a statement of the last known address(es) of the nonsigning joint inventor(s); (4) and an oath or declaration executed by the signing joint inventor(s) on their behalf and on behalf of the nonsigning joint inventor (2). All items are satisfied except item (2).

Regarding item (2), petitioners provided an affidavit by Ms. Kinsman who claims that she sent a complete copy of each application along with a request to sign a declaration to both nonsigning inventors on 28 January 2008 and again on 05 May 2008. Documentary evidence of the letters and receipts from each were provided. Ms. Kinsman states that she received a voicemail from Ernst Dainow on 02 June 2008 indicating that he would not sign any documents until he received shares he felt he was due. Ms. Kinsman indicates that no reply has been received from Mr. Thanos.

The 37 CFR 1.47(a) applicants' burden in showing that an inventor refuses to cooperate is explained in section 409.03(d) of the MPEP, *II. Refusal to Join.*

Here, the evidence supports petitioners claim that the conduct of Mr. Dainow constitutes a refusal to cooperate. There is evidence that a complete copy of the application was sent to and received by Mr. Dainow. The evidence also indicates that Mr. Dainow does not intend to cooperate in the subject application.

However, the evidence does not support the same conclusion for Mr. Thanos. The letters mailed 28 January 2008 and 05 May 2008 containing a copy of the application were sent to his representative, Mr. Gavin Smyth. Petitioners assert that no response has been received from Mr. Thanos or his counsel. Petitioners should contact Mr. Smyth to discuss the situation and verify that Mr. Thanos is refusing to cooperate in the subject application. Petitioners should also discuss the reasons that Mr. Thanos is refusing to cooperate (if known) in any renewed petition.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet satisfied fro Mr. Thanos.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available. No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302

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OTTAWA ON K1P 1J9 CA CANADA

In re Application of
TEOW *et al*
U.S. Application No.: 11/914,339
PCT No.: PCT/CA2006/000775
Int. Filing Date: 15 May 2006
Priority Date: 13 May 2005
Attorney Docket No.: PAT 4431W-2
For: CONTENT CRYPTOGRAPHIC FIREWALL SYSTEM

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 04 September 2009.

BACKGROUND

On 06 April 2009, a decision dismissing applicants' petition pursuant to 37 CFR 1.47(a) was mailed with regards to inventor, Daniel Thanos. Applicants were given two months to respond with extensions of time available.

On 04 September 2009, applicants filed a renewed petition along with, *inter alia*, a three-month extension and fee and a declaration executed by Mr. Thanos.

DISCUSSION

Applicants' petition under 37 CFR 1.47(a) was granted with regards to Ernest Dainow; however, the evidence of a refusal by Daniel Thanos was not accepted as being sufficient.

In the renewed petition, applicants have provided an executed declaration by Mr. Thanos. This is an acceptable response to the prior decision.

All items of 37 CFR 1.47(a) are satisfied.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.47(a) is hereby **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 15 May 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 04 September 2009.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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06 NOV 2009

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Ernest Dainow
275 Upper Highland Cr.
Tororonto, Ontario
Canada M2P 1V4

In re Application of
TEOW *et al*
U.S. Application No.: 11/914,339
PCT No.: PCT/CA2006/000775
Int. Filing Date: 15 May 2006
Priority Date: 13 May 2005
Attorney Docket No.: PAT 4431W-2
For: CONTENT CRYPTOGRAPHIC
FIREWALL SYSTEM

Mr. Dainow:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

BORDEN LADNER GERVAIS LLP
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14 AUG 2008

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24239
MOORE & VAN ALLEN PLLC
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Research Triangle Park, NC 27709

In re Application of
PIECHOCKI *et al*
U.S. Application No.: 11/914,355
PCT No.: PCT/KR2006/002310
Int. Filing Date: 11 May 2006
Priority Date: 11 May 2005
Docket No.: E1975-00064
For: FISH OIL IN STABILIZED FORM

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 03 July 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

Mail Date: 04/21/2010

Applicant	: J. Davis Miller	: DECISION ON REQUEST FOR
Patent Number	: 7581449	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/914,361	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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

21 SEP 2009

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of	:	
PFEIFFER	:	
Serial No.: 11/914,363	:	DECISION ON
PCT App. No.: PCT/DE06/00792	:	
Int'l Filing Date: 08 May 2006	:	PETITION UNDER
Priority Date: 13 May 2005	:	
Attorney Docket No.: PFEIFFER1	:	37 CFR 1.137(b)
For: GENERATION OF A SPACE-RELATED TRAFFIC DATABASE IN A RADIO NETWORK	:	

The petition to revive under 37 CFR 1.137(b) filed 30 July 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the failure to timely file the declaration was unintentional due to an unintentional error of a clerical nature by a new clerk" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

A review of the application file reveals the declaration, in compliance with 37 CFR 1.497(a) and (b), was provided on 30 July 2009 and is acceptable. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **30 July 2009.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone:(571) 272-3286
Facsimile: (571) 273-0459

15 AUG 2008

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Muncy, Geissler, Olds & Lowe, PLLC
P.O. BOX 1364
FAIRFAX VA 22038-1364

In re Application of	:	
LEHMANN	:	
Application No.: 11/914,387	:	
PCT No.: PCT/EP06/03931	:	DECISION ON PETITION
Int. Filing Date: 27 April 2006	:	
Priority Date: 11 May 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: None	:	
For: METHOD AND SYSTEM FOR THE TREATMENT OF EXCRETION CONTAINERS	:	

The petition to revive under 37 CFR 1.137(b) filed 30 July 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been provided.

The application has an international filing date of 27 April 2006 under 35 U.S.C. 363 and will be given a date of **30 July 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

15 SEP 2008

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EVANS & MOLINELLI, PLLC
U.S. POST OFFICE BOX 7024
FAIRFAX STATION VA 22039

In re Application of	:	
QIU et al.	:	
Application No.: 11/914,389	:	DECISION
PCT No.: PCT/US2005/018483	:	
Int. Filing Date: 25 May 2005	:	
Priority Date: 25 May 2004	:	
Attorney's Docket No.: UMB001-014US	:	
For: INHIBITION OF THE 44 KILODALTON ISOFORM OF PIM-1 KINASE RESTORES APOPTOSIS INDUCED BY CHEMOTHERAPEUTIC DRUGS IN CANCER CELLS	:	

This decision is in response to applicant's petition under 37 CFR 1.181 filed in the United States Patent and Trademark Office (USPTO) on 02 June 2008 and applicants' petition under 37 CFR 1.137(b) filed in the USPTO on 03 June 2008.

BACKGROUND

On 14 November 2007, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a declaration of inventors. The international application number keyed into EFS-Web was PCT/US2005/018483. However, the declaration of inventors indicates the international application number as PCT/US2006/018483. The U.S. Basic National Fee was not included.

On 29 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by thirty months from the priority date.

On 02 June 2008, applicants filed a petition under 37 CFR 1.181.

On 03 June 2008, applicants filed a petition under 37 CFR 1.137(b).

DISCUSSION

Petition Under 37 CFR 1.181

The submission filed 03 June 2008 requests that the petition under 37 CFR 1.181 filed 02 June 2008 be withdrawn. Accordingly, the petition under 37 CFR 1.182 is considered moot.

Petition Under 37 CFR 1.137(b)

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 03 June 2008.

As to item (2), applicant submitted the petition fee on 03 June 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

International Application Number

As noted above, the international application number keyed in to EFS-Web does not match the international application number on the declaration of inventors filed 14 November 2007. Applicant is required to file a reply to this communication correcting the above-stated error. A proper reply would include a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f). (The petition should set forth the specific circumstances as to how and when the error was made and should set forth that the mistake was an inadvertent error without deceptive intent.)

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** as **MOOT**.

For the reasons set forth above, the petition under 37 CFR 1.137(b) is **GRANTED**.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **A proper response would include a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the above stated error. (The petition should set forth the specific circumstances as to how and when the error was made and should set forth that the mistake was an inadvertent error without deceptive intent.)** Extensions of time under 37 CFR 1.136(a) are available. Failure to timely file a proper response will result in **abandonment** of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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22 DEC 2008

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EVANS & MOLINELLI, PLLC
U.S. POST OFFICE BOX 7024
FAIRFAX STATION VA 22039

In re Application of	:	
QIU et al.	:	
Application No.: 11/914,389	:	DECISION
PCT No.: PCT/US2006/018483	:	
Int. Filing Date: 12 May 2006	:	
Priority Date: 14 May 2004	:	
Attorney's Docket No.: UMB001-014US	:	
For: INHIBITION OF THE 44 KILODALTON ISOFORM OF PIM-1 KINASE RESTORES APOPTOSIS INDUCED BY CHEMOTHERAPEUTIC DRUGS IN CANCER CELLS	:	

This decision is in response to applicant's petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office (USPTO) on 08 October 2008.

BACKGROUND

On 14 November 2007, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a declaration of inventors. The international application number keyed into EFS-Web was PCT/US2005/018483. However, the declaration of inventors indicates the international application number as PCT/US2006/018483. The U.S. Basic National Fee was not included.

On 29 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by thirty months from the priority date.

On 02 June 2008, applicants filed a petition under 37 CFR 1.181.

On 03 June 2008, applicants filed a petition under 37 CFR 1.137(b).

On 15 September 2008, a decision was mailed dismissing applicants' petition under 37

CFR 1.181 as MOOT and granting applicants' petition under 37 CFR 1.137(b). The decision also noted that the international application number keyed in to EFS-Web did not match the international application number on the declaration of inventors filed 14 November 2007, that applicants were required to file a reply to the decision correcting the above-stated error, and that a proper reply would include a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f).

On 08 October 2008, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

A review of the application file including counsel's statements in the instant petition reveals that the present application should in fact be the national stage application of international application **PCT/US2006/018483**.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including processing the application as the national stage of international application **PCT/US2006/018483**.

/Daniel Stemmer/

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PCT Legal Examiner
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UNITED STATES PATENT AND TRADEMARK OFFICE

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08 FEB 2008

SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY MN 55125

In re Application of
POSTLER
U.S. Application No. 11/914,423
PCT No.: PCT/EP06/60447
Int. Filing Date: 03 March 2006
Priority Date: 14 March 2005
Attorney Docket No.: 1020-025US01
For: COMPRESSION FITTING FOR A HEATING AND/OR SANITARY PIPE

DECISION

The above-identified application is before the Office of PCT Legal Administration for consideration of matters under 35 U.S.C. 371.

BACKGROUND

On 03 March 2006, applicant filed international application No. PCT/IB06/60447 which claimed a priority date of 14 March 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 14 September 2007.

On 12 September 2007, applicant filed, through the law firm of Shumaker & Sieffert, a transmittal letter for entry into the national stage in the United States (Form PTO-1390) which was accompanied by, *inter alia*, authorization to charge deposit account 50-1778 the requisite basic national fee as required by 35 U.S.C. 371(c)(1). The submission, identifying international application no. PCT/IB06/02081, was not assigned a U.S. application number.

On 14 November 2007, applicant filed, through the law firm of Shumaker & Sieffert, a second transmittal letter for entry into the national stage in the United States referencing the international application PCT/IB06/60447, which was accompanied by, *inter alia*, authorization to charge the deposit account for the basic national fee. These papers were assigned U.S. application number 11/914,423.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage have been submitted for international application number PCT/IB06/60447 (only one United States application number was assigned 11/914,423). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the

submission of two sets of national stage papers to enter the United States was improper.

Both sets of documents were filed by above-named counsel. The second of the two filings to be processed by the USPTO application papers was filed on 14 November 2007 and assigned application number 11/914,423. This U.S. application file is associated with the international application in the USPTO's PALM system. Accordingly, U.S. application number 11/914,423 is the application file that will continue to be processed as the national stage of PCT/IB06/60447. The second set of national stage materials filed on 12 September 2007 were not originally assigned U.S. application number and will be placed in the present application file.

Applicants should use application number 11/914,423 in all future communications with the United States Patent and Trademark Office (USPTO).

CONCLUSION

Application no. 11/914,423 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing and to merge the papers identifying PCT/EP06/60447 filed on 12 September 2007 into application no 11/914,423.

11/914,423 is the national stage of international application PCT/IB06/60447. No fees were charged in the second set application papers filed on 14 November 2007; thus, no refund is necessary.

Cynthia M. Kratz
Attorney-Advisor
Office of PCT Legal Administration

Tel.: 571-272-3286
Facsimile: 571-273-0459

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SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

Mail Date: 05/07/2010

Applicant	: Stefan Postler	: DECISION ON REQUEST FOR
Patent Number	: 7644958	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/914,423	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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Washington DC 20005-1503

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MAR 03 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
KATO, YUMIKO, et al.
Application No. 11/914,427
Filed: November 14, 2007
Attorney Docket No. **2007-1862A**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 14, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICES OF ALBERT WAI-KIT CHAN, PLLC
WORLD PLAZA, SUITE 604
141-07 20TH AVENUE
WHITESTONE NY 11357

MAILED

JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of :
KNAUS, Edward E. et al. :
Application No. 11/914,430 : DECISION ON PETITION
Filed: November 14, 2007 : TO WITHDRAW
Attorney Docket No. **1073-B-PCT-US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 07, 2009.

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

A review of the file record indicates that a petition to ignore the request to withdraw as attorney or agent of record in this patent application was filed by the Law Offices of Albert Wai-Kit Chan, PLLC on May 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 Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

17 JUN 2008

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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510

In re Application of ALESKOVSKIY et al :
U.S. Application No.: 11/914,458 :
PCT Application No.: PCT/RU2006/000217 :
Int. Filing Date: 28 April 2006 : DECISION
Priority Date Claimed: 23 May 2005 :
Attorney Docket No.: 07-105 :
For: METHOD FOR PRODUCING OF ULTRA-DISPERSED CARBON :

This is in response to the executed declaration filed 16 April 2008, which is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 28 April 2006, applicant filed international application PCT/RU2006/000217, which claimed priority of an earlier Russia application filed 23 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 30 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 23 November 2007.

On 15 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 April 2008, applicant filed the present request for status under 37 CFR 1.42.

DISCUSSION

The request for status states that joint inventor Valentin Aleskovskiy is deceased. Applicant has submitted a declaration executed by the legal representatives of inventor Aleskovskiy. However, a declaration under PCT Rule 4.17(iv) was filed with the international application papers. Accordingly, status under 37 CFR 1.42 is not required.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 28 April 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 November 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

11 MAR 2009

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

In re Application of:
MIYAMOTO, Yukihiro, et al.
U.S. Application No.: 11/914,494
PCT No.: PCT/JP2006/309639
International Filing Date: 15 May 2006
Priority Date: 16 May 2005
Attorney's Docket No.: 316889US2PCT
For: RECHARGEABLE BATTERY WITH NONAQUEOUS ELECTROLYTE, ITS NEGATIVE ELECTRODE, AND ITS MATERIAL

DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' submission on 15 November 2007 of a declaration executed on behalf of deceased inventor Masao MIYAKE by the deceased inventor's legal representative Etsuko MIYAKE, considered herein under 37 CFR 1.42 and 1.497.

BACKGROUND

On 15 May 2006, applicants filed international application PCT/JP2006/309639. The international application claimed a priority date of 16 May 2005, and it designated the United States. On 23 November 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 16 November 2007.

On 15 November 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and the declaration considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states the following:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 15 November 2007 includes the required citizenship, residence, and mailing address information for Etsuko MIYAKE, the person signing the declaration on behalf deceased inventor Masao MIYAKE, and it identifies this person as the "legal representative" of the deceased inventor. The declaration also includes the citizenship of the deceased inventor and all other information required under 37 CFR 1.497.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Masao MIYAKE is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 November 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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Facsimile: (571) 273-0459

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March 11, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Christophe Henninot et al.	:	PARTICIPATE IN PATENT
Serial No. 11/914,501	:	PROSECUTION HIGHWAY
Filed: November 15, 2007	:	PROGRAM AND
For: ALLOYED ZINC POWDERS WITH PIERCED PARTICLES FOR ALKALINE BATTERIES	:	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 filed January 05, 2010.

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 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 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 Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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25 APR 2008

Stefan Kirchanski
Venable LLP
2049 Century Park East
21st Floor
Los Angeles, CA 90067

In re Application of :
SHANBROM, Edward :
Application No.: 11/914,532 :
PCT No.: PCT/US05/26308 :
Int. Filing Date: 22 July 2005 : DECISION ON PETITION
Priority Date: 22 July 2004 :
Attorney Docket No.: 80338.253491 :
For: LYSINE CITRATE FOR PLASMA PROTEIN AND DONOR PROTECTION

The petition to revive under 37 CFR 1.137(b) filed 15 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

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30 JUL 2009

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GIFFORD, KRASS, SPRINKLE, ANDERSON &
CITKOWSKI, P.C.
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TROY MI 48007-7021

In re Application of	
SORSCHER et al.	
Serial No.: 11/914,563	
PCT No.: PCT/US06/18844	DECISION ON PETITION
Int. Filing Date: 16 May 2006	
Priority Date: 16 May 2005	UNDER 37 CFR 1.181
Attorney's Docket No.: UAB-21602/22	
For: ANTI-TUMORAL COMPOSITIONS METHODS	

This is a decision on applicant's "Petition to Withdraw Holding Abandonment under 37 CFR 1.181", filed on 01 June 2009. No petition fee is required.

BACKGROUND

On 16 November 2007, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee.

On 07 May 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required along with the surcharge for filing the oath or declaration after the thirty month period. The Notice also advised that the application failed to comply with the requirements of 37 CFR 1.821-1.825. Applicant was also advised to provide an initial computer readable form (CRF) of the 'Sequence Listing', an initial paper copy or compact disc copy of the Sequence Listing and an amendment specifically directing its entry into the application (and where applicable, contains no new matter). A statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing was also required.

On 19 May 2008, applicant responded to the Notification filing only an executed declaration and the $130 surcharge.

On 08 September 2008, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicant, indicating that applicant's response filed on 19 May 2008 was acknowledged; however, the requirements set forth in the Notification of Missing Requirements had not been completed and were reiterated in the 916.

On 22 September 2008, applicant, in response to the Notification of Defective Response, filed a sequence listing and statement that the content of the paper copy of the Sequence Listing and CRF was the same. On 30 October 2008, a review of the Sequence Listing found it to be unacceptable.

On 14 January 2009, a second Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicant. Applicant's response filed on 30 October 2008 was acknowledged; however, the requirements set forth in the Notification of Missing Requirements

had yet to be completed. Applicant was advised that the content of the computer readable form did not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing". Applicant was advised to provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing and where applicable, includes no new matter. The 30 October 2008 PAIR document was attached.

On 11 February 2009, applicant again responded to the 916 with a sequence listing (CRF). On 27 February 2009, the Sequence Listing was found to be unacceptable.

On 13 May 2009, a Notification of Abandonment was mailed to applicant indicating that applicant had failed to respond to the 07 May 2008 Notification of Missing Requirements within the time period set therein.

On 01 June 2009, the instant petition to withdraw the holding of abandonment was filed along with another sequence listing. On 08 June 2009, the sequence listing was again found to be unacceptable.

DISCUSSION

On 07 May 2008, Applicant was given notice (Form 905), *inter alia*, that the application failed to comply with the requirements of 37 CFR 1.821-1.825 and that applicant failed to provide an initial computer readable form (CFR) of the "Sequence Listing", an initial paper copy or compact disc copy of the Sequence Listing as well as an amendment specifically directing its entry into the application. A statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing was also required. Applicant was advised that a response to the Notification must be provided within two (2) months of the mail date of the Notification. Extensions of time were available under 37 CFR 1.136(a). Applicant was warned that "FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT." (Emphasis in original)

Applicant responded to the 905 within the two month period, submitting an executed declaration and surcharge. However, the response was an incomplete reply to the Notification and found to be defective as applicant failed to provide the computer readable form of the Sequence Listing, a paper copy or CD copy and amendment along with the statement as required in the 905.

On 08 September 2008, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicant, indicating that the application failed to comply with the requirements of 37 CFR 1.821-1.825. Applicant was required to complete the response within a time limit of ONE MONTH from the mail date of the Notice or within the time remaining in the response set forth in the 905, whichever is longer. Applicant was further advised that no further extensions of time were available, beyond those permitted under the 905.

Applicant's 22 September 2008 submission included a sequence listing. The sequence listing as submitted was reviewed on 30 October 2008 and was found to be unacceptable. Thus, the application went abandoned for failure to properly respond to the 905.

Applicant argues that the petition to withdraw the holding of abandonment should be granted on the basis that "in every instance, [applicant] provided a timely response, namely within one month of notification of defective response in compliance therewith". Unfortunately, timeliness of the response is not the basis for withdrawal of the holding of abandonment; providing a "proper reply" to the Notification would have been.

Applicant's submission on 11 February 2009 and 01 June 2009 were also found to be

unacceptable. A copy of the 08 June 2009 determination is attached to this decision. As stated above, the application is abandoned for failure to properly respond to the 905 within the time period set forth in the 905 and 916, by providing the sequence listing required. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive the application.

CONCLUSION

For the reasons stated above, the petition under 37 CFR 1.181 is **DISMISSED without prejudice**. The application remains abandoned.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

Enclosure: 08 June 2009 Computer Readable Form (CFR) for Sequence Listing

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P.O. BOX 7021
TROY MI 48007-7021

In re Application of	
SORSCHER et al.	
Serial No.: 11/914,563	
PCT No.: PCT/US06/18844	DECISION ON PETITION
Int. Filing Date: 16 May 2006	
Priority Date: 16 May 2005	UNDER 37 CFR 1.181
Attorney's Docket No.: UAB-21602/22	
For: ANTI-TUMORAL COMPOSITIONS METHODS	

This is a decision on applicant's "Renewed Petition to Withdraw Holding Abandonment under 37 CFR 1.181", filed on 28 August 2009. No petition fee is required.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 30 July 2009, is hereby incorporated by reference and will be reviewed below.

DISCUSSION

Applicant, in effect, now argues that each response represented a *bona fide* response. MPEP 711.02(a) Insufficiency of Reply states that "Abandonment may result from a situation where applicant's reply is within the period for reply but is not fully responsive to the Office action."

On 07 May 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that the application failed to comply with the requirements of 37 CFR 1.821-1.825. Applicant was also advised to provide an initial computer readable form (CRF) of the 'Sequence Listing', an initial paper copy or compact disc copy of the Sequence Listing and an amendment specifically directing its entry into the application (and where applicable, contains no new matter). A statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing was also required.

Applicant did not file a response to this part of the Notification. On 08 September 2008, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicant, indicating that applicant's response filed on 19 May 2008 was acknowledged; however, the requirements set forth in the Notification of Missing Requirements had not been completed and were reiterated in the 916. Applicant was advised, *inter alia*, that an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the Sequence Listing, as well as an amendment specifically directing its entry into the application was required. A copy of the "Sequence Listing" in computer readable form had not been submitted as required by 37 CFR 1.821(e).

On 22 September 2008, applicant, in response to the Notification of Defective Response,

filed a sequence listing and statement that the content of the paper copy of the Sequence Listing and CRF was the same. On 30 October 2008, a review of the Sequence Listing found it to be unacceptable.

On 14 January 2009, a second Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicant. The requirements set forth in the Notification of Missing Requirements had yet to be completed. Applicant was specifically advised that the content of the computer readable form did not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing". Applicant was advised to provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing and where applicable, includes no new matter. The 30 October 2008 PAIR document was attached.

On 11 February 2009, applicant again responded to the 916 with a sequence listing (CRF). On 27 February 2009, the Sequence Listing was found to be unacceptable and the CRF flawed technically. Since the period for reply set forth in the 905 expired on 27 February 2009, the application went abandoned for applicant's failure to file a fully responsive reply.

On 13 May 2009, a Notification of Abandonment was mailed to applicant indicating that applicant had failed to respond to the 07 May 2008 Notification of Missing Requirements within the time period set therein.

Thus, applicant's responses to the numerous Office actions were insufficient, resulting in abandonment of the application. A fully responsive reply must be timely filed to avoid abandonment of the application.

Subsequently, the CFR submitted on 14 September 2009 is responsive to the numerous Office actions set forth previously and is found to be good technically. However, to withdraw the abandoned status of the application applicant is advised to file a petition to revive under 37 CFR 1.137. Applicant is advised that a delay in filing such petition may be construed as intentional.

CONCLUSION

For the reasons stated above, the petition under 37 CFR 1.181 is **DISMISSED without prejudice**. The application remains abandoned.

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.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

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P.O. BOX 7021
TROY MI 48007-7021

In re Application of
SORSCHER et al.
Serial No.: 11/914,563
PCT No.: PCT/US06/18844
Int. Filing Date: 16 May 2006
Priority Date: 16 May 2005
Attorney's Docket No.: UAB-21602/22
For: ANTI-TUMORAL COMPOSITIONS METHODS

: DECISION ON PETITION
:
: UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 25 November 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the errors in the Sequence Listing and statement and submission in accord with 37 CFR 1.821 have been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date is 25 November 2009.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
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Mail Date: 04/21/2010

Applicant	: Fiorenzo Casoli	: DECISION ON REQUEST FOR
Patent Number	: 7607744	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/914,595	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/21/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Fitzpatrick Cella Harper & Scinto
30 Rockefeller Plaza
New York, NY 10112

In re Application of
NIEMINEN et al.
Application No.: 11/914,622
PCT No.: PCT/FI06/50193
Int. Filing Date: 15 May 2006
Priority Date: 18 May 2005
Attorney Docket No.: 01762.015000
For: METHOD OF AND AN APPARATUS FOR GASIFYING CARBONACEOUS MATERIAL

COMMUNICATION REGARDING SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to the declaration filed 09 May 2008 which is being treated as a Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 15 May 2006, applicant filed international application PCT/FI06/50193 which claimed a priority date of 18 May 2005. On 23 November 2006, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was 18 November 2008 (thirty months from the priority date).

On 16 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 24 April 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and a surcharge for providing the oath or declaration later than 30 months from the priority date were required.

On 09 May 2008, applicant filed a declaration executed by Juha Palonen and Katriina Nieminen on behalf of deceased inventor, Jorma Nieminen.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 09 May 2008 is executed by Katriina Nieminen as the "legal representative" of Jorma Nieminen and provides her residence, post office address and country of citizenship. In addition, the declaration provides the country of citizenship of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

The application has an international filing date of 15 May 2006, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **09 May 2008**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

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JUL 06 2010

OFFICE OF PETITIONS

In re Application of :
Hsuanming Shi et al. :
Application No. 11/914,625 : DECISION ON PETITION
Filed: June 30, 2008 : TO WITHDRAW
Attorney Docket No. E1734-00009 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 2, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a forwarding address was not provided. The request to change the correspondence address should be that of : (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

Mail Date: 04/21/2010

Applicant	: Tsuyoshi Nonogaki	: DECISION ON REQUEST FOR
Patent Number	: 7658769	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/914,687	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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

02 DEC 2008

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SENNIGER POWERS LLP (SMX)
100 NORTH BROADWAY
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ST. LOUIS, MO 63102

In re Application of: PLUVINAGE, et al.
U.S. Application No.: 11/914,724
PCT No.: PCT/EP2006/003457
International Filing Date: 13 April 2006
Priority Date: 18 May 2005
Attorney's Docket No.: 2006-053(PCT/US)
For: APPARATUS AND METHOD FOR STORING AND DISPENSING MATERIAL, ESPECIALLY IN MICRO QUANTITIES AND IN COMBINATION WITH LIMITED STARTING AMOUNTS

DECISION

This decision is issued in response to the correspondence filed by applicants on 25 November 2008, treated herein as a request under 37 CFR 1.497(d) to correct the inventorship herein. Applicants have submitted the required $130 processing fee.

BACKGROUND

The procedural background herein was set forth in the Communication mailed on 18 November 2008. That Communication indicated that a grantable request to correct inventorship under 37 CFR 1.497(d) was required before the declaration filed 29 September 2008 could be accepted.

On 25 November 2008, applicants filed the correspondence treated herein as a request to correct inventorship under 37 CFR 1.497(d).

DISCUSSION

The materials filed by applicants on 25 November 2008 include the $130 processing fee required for a request under 37 CFR 1.497(d). Applicants have also provided the required statement of non-deceptive intent from the inventor to be added, Pascal COURTIN, as well as the consent of the assignee to the requested change in inventorship (the assignee's consent has been submitted in the form required by 37 CFR 3.73). These materials satisfy the requirements for a grantable request to correct inventorship under 37 CFR 1.497(d), as discussed in the previous Communication. The requested addition of Pascal COURTIN as an additional inventor of record pursuant to 37 CFR 1.497(d) is therefore appropriately granted.

Based on the above correction, the declaration filed 29 September 2008 is now acceptable in compliance with 37 CFR 1.497(d).

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record is corrected to add Pascal COURTIN as an additional inventor of record herein.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 29 September 2008.

Richard M. Ross
Attorney Advisor
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22 SEP 2009

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P.O. BOX 7037
ATLANTA, GA 30357-0037
UNITED STATES

In re Application of: BRANCO, et al.	:	DECISION
Application No.: 11/914,725	:	
PCT Application No.: PCT/US06/019344	:	ON PETITION
Int. Filing Date: 18 May 2006	:	
Priority Date: 18 May 2005	:	UNDER
Attorney Docket No.: B236 1010US	:	
For: COMPOSITIONS AND METHODS FOR METABOLIC SELECTION OF TRANSFECTED CELLS		37 CFR 1.137(b)

Applicant's "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 20 July 2009 is **GRANTED**.

BACKGROUND

On 18 May 2006, applicant filed international application PCT/US06/019344. This international application claims a priority date from provisional application 60/681,969 of 18 May 2005 and designates the U.S. The deadline for entry into the United States National Stage was thirty months from this priority date, that is 18 November 2007. On 16 November 2007, applicant filed national stage papers in the United States Designated/ Elected Office (DO/EO/US), including the basic national fee. On 09 May 2008, the DO/EO/US mailed a Notice to Comply (Form PCT/DO/EO/922), which indicated that a new computer readable form of the sequence listing must be filed. On 13 January 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO 909).

On 20 July 2009, applicant filed the instant petition for revival under 37 CFR 1.137(b).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first

became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) the petition fee required by law (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The submission of the substitute computer readable form satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). Applicant's statement in the petition that "The entire delay in filing the required reply from the due date for the required reply, until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 18 May 2006 under 35 U.S.C. 363 and a date of **02 May 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Bryan Lin
PCT Legal Administration

Patrick Connolly
Detailee
Telephone: (571) 272-2412

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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

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JUN 18 2010

OFFICE OF PETITIONS

In re Application of
Randall J. Mrsny et al.
Application No. 11/914,734
Filed: August 8, 2008
Attorney Docket No. **10901-025-999**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 20, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Nikolaos C. George or any attorneys/agents associated with Customer Number 20583 does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

According to our records the Customer Number has been listed as the Representative Information in the application data sheet. However, providing the information in the application data sheet does not constitute as a power of attorney in the application. ***See 37 CFR § 1.76(b)(4)***.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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GREENBLUM & BERSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

MAR 2 7 2008

In re Application of	:	DECISION ON REQUEST TO
Norihiko KWABATA et al.	:	PARTICIPATE IN PATENT
Application No. 11/914809	:	PROSECUTION HIGHWAY
Filed: April 20, 2007	:	PILOT PROGRAM AND PETITION
Attorney Docket No. P33360	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 27, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

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

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

Kathryn Gorgos
TQAS TC 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

20 MAY 2009

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

MORGAN, LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA, PA 19103-2921

In re Application of:
CULLEN, Breda, et al.
U.S. Application No.: 11/914,884
PCT No.: PCT/GB2006/001467
International Filing Date: 24 April 2006
Priority Date: 20 May 2005
Atty Dkt No.: 054921-0050 [ETH5199USPCT]
For: MARKER OF WOUND INFECTION

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Request For Correction Of Inventorship And Payment Of Processing Fee Under 37 CFR 1.48(a)" filed 22 December 2008 and supplemented on 12 March 2009, treated herein under 37 CFR 1.497(d).[1] Applicants have paid the required $130 processing fee.

BACKGROUND

On 24 April 2006, applicants filed international application PCT/GB2006/001467. The application claimed a priority date of 20 May 2005, and it designated the United States. On 23 November 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 20 November 2007. The published international application identified two applicant/inventors for the U.S.: Breda Mary CULLEN and Rachael CLARK.

On 19 November 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an unexecuted declaration.

On 08 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) was mailed requiring submission of an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 25 August 2008, applicants filed a response to the Notification Of Missing Requirements (with required two-month extension fee). The submission included payment of

[1] 37 CFR 1.497(d), rather than 37 CFR 1.48(a), is the applicable regulation where, as here, an applicant seeks to correct the inventorship in a U.S. national stage application filed under 35 U.S.C. 371.

the required surcharge and a declaration executed by the two inventors of record as well as two additional inventors, Phillip STEPHENS and Ryan MOSELEY.

On 24 November 2008, the RO/US mailed a "Notification Of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 25 August 2008 was defective on the present record based on the inclusion of the two additional inventors.

On 22 December 2008, applicants filed the "Request For Correction Of Inventorship And Payment Of Processing Fee Under 37 CFR 1.48(a)" considered herein under 37 CFR 1.497(d). The submission requests that Phillip STEPHENS and RYAN MOSELEY be added as additional inventors of record.

On 12 March 2009, applicants filed a "Power Of Attorney To Prosecute Applications Before The USPTO" appointing above named counsel as attorneys herein, as well as a "Statement Under 37 CFR 3.73(b)" executed on behalf of the assignee, Systagenix Wound Management (US), Inc. ("Systagenix").

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The declaration filed by applicants on 25 August 2008 names an inventive entity different than that set forth in the international application. Specifically, Phillip STEPHENS and Ryan MOSELEY have been added as additional inventors. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

Applicants' 22 December 2008 submission includes the required statement of non-deceptive intent from the persons to be added as inventors, as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants' 22 December 2008 included a statement of consent to the requested change from the assignee, Systagenix. This statement was not accompanied by the required statement under 37 CFR 3.73(b); however, applicants' 12 March 2009 submission included a "Statement Under 37 CFR 3.73(b)" executed on behalf of the assignee. In view of this supplemental submission, the consent of the assignee

to the requested change of inventorship is now in compliance with 37 CFR 3.73(b). Requirement (C) is therefore satisfied.

Based on the above, applicants have satisfied the requirements of a grantable request to correct the inventors of record under 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**. The inventorship of record herein is corrected to include added inventors Phillip STEPHENS and Ryan MOSELEY.

Based on the correction of inventorship, the declaration filed on 25 August 2008 is acceptable in compliance with 37 CFR 1.497(a) and (b).

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision, including updating the correspondence address of record to that set forth above. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 25 August 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

Mail Date: 04/21/2010

Applicant	: Ian A. Walmsley	: DECISION ON REQUEST FOR
Patent Number	: 7599067	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/914,888	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **101** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

10 OCT 2008

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East Hanover, NJ 07936-1080

In re Application of :
BOLD *et al* :
U.S. Application No.: 11/914,895 :
PCT No.: PCT/EP2006/003380 :
Int. Filing Date: 12 April 2006 :
Priority Date: 14 April 2005 :
Docket No.: 34215-US-PCT :
For: PHENYLACETAMIDES SUITABLE AS :
PROTEIN KINASE INHIBITORS :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 19 November 2007 with the national stage papers is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided on 19 November 2007.

On 15 September 2008, the United States Designated/Elected Office mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) indicating a date of completion of all 35 U.S.C. 371 requirements of 19 November 2007.

All indications on the Form PCT/DO/EO/903 are correct despite the fact that it was mailed prior to this decision. Therefore, this application will be forwarded to the appropriate Tech Center for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

DOCKET NO: 318541US0X PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:	
KYOSUKE YOSHIMI, ET AL.	:	
SERIAL NO: 11/914,899	:	APPLICATION DIVISION
FILED: DECEMBER 3, 2008	:	
FOR: CARBURIZED METAL MATERIAL AND PRODUCING METHOD THEREOF	:	

PETITION UNDER 37 C.F.R. § 1.497(d)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

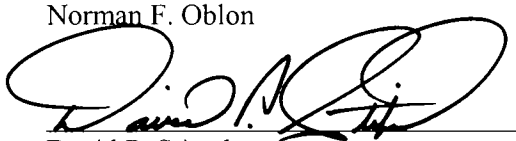
The undersigned Petitioner hereby respectfully requests that the inventorship of U.S. Patent Application 11/914,899, filed on December 3, 2008, be corrected to add Yuichi FURUKAWA and Setsuyu HAYAKAWA as inventors.

In accordance with 37 C.F.R. § 1.497(d), enclosed is: (1) a statement from each person being added as an inventor, namely Yuichi FURUKAWA and Setsuyu HAYAKAWA, that the inventorship error in the international application occurred without deceptive intention on his/her part; (2) the fee set forth in 37 C.F.R. § 1.17(i); (3) the written consent of the assignees Mitsubishi Chemical Corp., Frontier Carbon Corp., Toyoto Jidosha Kabushiki Kaisha and MEC Int'l. Co., Ltd.; and (4) a new declaration under 35 U.S.C. § 371(c)(4) executed by the actual inventors.

Consequently, it is respectfully requested that this petition be GRANTED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



David P. Stitzel
Attorney of Record
Registration No. 44,360

Customer Number
22850

DOCKET NO: 318541US0X PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:	
KYOSUKE YOSHIMI, ET AL.	:	
SERIAL NO: 11/914,899	:	APPLICATION DIVISION
FILED: DECEMBER 3, 2008	:	
FOR: CARBURIZED METAL MATERIAL AND PRODUCING METHOD THEREOF	:	

INVENTOR DECLARATION STATEMENT UNDER 37 C.F.R. § 1.497(d)(1)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes Yuichi FURUKAWA who deposes and states that:

1. I, Yuichi FURUKAWA, am an actual inventor in U.S. Patent Application 11/914,899, filed on December 3, 2008, which is a 35 U.S.C. § 371 National Stage patent application of International patent application PCT/JP2006/309958, filed on May 18, 2006.

2. I affirm that the error in inventorship in the above-identified patent application occurred without deceptive intent on my behalf.

3. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Yuichi Furukawa
Yuichi FURUKAWA

June, 3. 2009
Date

DOCKET NO: 318541US0X PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:	
KYOSUKE YOSHIMI, ET AL.	:	
SERIAL NO: 11/914,899	:	APPLICATION DIVISION
FILED: DECEMBER 3, 2008	:	
FOR: CARBURIZED METAL MATERIAL AND PRODUCING METHOD THEREOF	:	

INVENTOR DECLARATION STATEMENT UNDER 37 C.F.R. § 1.497(d)(1)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes Setsuyu HAYAKAWA who deposes and states that:

1. I, Setsuyu HAYAKAWA, am an actual inventor in U.S. Patent Application 11/914,899, filed on December 3, 2008, which is a 35 U.S.C. § 371 National Stage patent application of International patent application PCT/JP2006/309958, filed on May 18, 2006.

2. I affirm that the error in inventorship in the above-identified patent application occurred without deceptive intent on my behalf.

3. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Setsuyu Hayakawa
Setsuyu HAYAKAWA

June 3, 2009
Date

DOCKET NO: 318541US0X PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:	
KYOSUKE YOSHIMI, ET AL.	:	
SERIAL NO: 11/914,899	:	APPLICATION DIVISION
FILED: DECEMBER 3, 2008	:	
FOR: CARBURIZED METAL MATERIAL AND PRODUCING METHOD THEREOF	:	

ASSIGNEE CONSENT STATEMENT UNDER 37 C.F.R. § 1.497(d)(3)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes Hidehiko YASHIMA who is authorized to act on behalf of Mitsubishi Chemical Corporation.

Now comes Mineyuki ARIKAWA who is authorized to act on behalf of Frontier Carbon Corporation.

Now comes Takeshi SASAKI who is authorized to act on behalf of Toyoto Jidosha Kabushiki Kaisha.

Now comes Fumio KAWAHARA who is authorized to act on behalf of MEC International Company, Limited.

Mitsubishi Chemical Corp., Frontier Carbon Corp., Toyoto Jidosha Kabushiki Kaisha and MEC Int'l. Co., Ltd. are the owners of the entire right, title and interest in and to the invention claimed and disclosed in U.S. Patent Application 11/914,899, filed on December 3, 2008, by virtue of:

(1) assignment from each of the actual inventors, except for Yuichi FURUKAWA and Setsuyu HAYAKAWA, to Mitsubishi Chemical Corp. and Frontier Carbon Corp., said assignment having been recorded in the USPTO at reel no. 021961, frame no. 0171;

(2) assignment from the inventor Yuichi FURUKAWA to Toyoto Jidosha Kabushiki Kaisha, said assignment being concurrently submitted herewith for recordation; and

(3) assignment from the inventor Setsuyu HAYAKAWA to MEC Int'l. Co., Ltd., said assignment being concurrently submitted herewith for recordation.

Mitsubishi Chemical Corp., Frontier Carbon Corp., Toyoto Jidosha Kabushiki Kaisha and MEC Int'l. Co., Ltd. agree to the change of inventorship to add Yuichi FURUKAWA and Setsuyu HAYAKAWA as inventors in this application.

Signature: _____ Date: June 10, 2009
Name: Hidehiko YASHIMA
Title: General Manager,
Intellectual Property Department

Signature: _____ Date: June 10, 2009
Name: Mineyuki ARIKAWA
Title: President

Signature: _____ Date: June 10, 2009
Name: Takeshi SASAKI
Title: General Manager,
Intellectual Property Div.

Signature: _____ Date: June 10, 2009
Name: Fumio KAWAHARA
Title: President

2 1 MAR 2008

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FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE, BUILDING #3
LAWRENCEVILLE NJ 08648

In re Application of	:	
LYNCH et al.	:	DECISION ON
Application No.: 11/914,909	:	
PCT No.: PCT/US2006/019311	:	PAPERS
Int. Filing Date: 19 May 2006	:	
Priority Date: 19 May 2005	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 70439.00208	:	
For: USE OF RECYCLED PLASTICS FOR STRUCTURAL BUILDING FORMS	:	

This is a decision on the submission filed by applicants on 19 November 2007. The indication that inventor Richard W. Renfree is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 19 May 2006, applicants filed international application PCT/US2006/019311 which claimed a priority date of 19 May 2005 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 November 2007 .

On 19 November 2007, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of inventors. The indication that inventor Richard W. Renfree is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The declaration does not include the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the *full name and citizenship of the deceased inventor* (37 CFR 1.497(a)(3)).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Applicant is required to submit a proper declaration within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

18 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
2000 Market Street
Tenth Floor
Philadelphia PA 19103

In re Application of	:	
LYNCH et al.	:	DECISION ON
Application No.: 11/914,909	:	
PCT No.: PCT/US2006/019311	:	PAPERS
Int. Filing Date: 19 May 2006	:	
Priority Date: 19 May 2005	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 70439.00208	:	
For: USE OF RECYCLED PLASTICS FOR STRUCTURAL BUILDING FORMS	:	

This is a decision on the renewed submission under 37 CFR 1.42 filed by applicants on 06 May 2008.

BACKGROUND

On 19 May 2006, applicants filed international application PCT/US2006/019311 which claimed a priority date of 19 May 2005 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 November 2007 .

On 19 November 2007, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of inventors. The indication that inventor Richard W. Renfree is deceased was treated as a request for status under 37 CFR 1.42.

On 21 March 2008, a decision was mailed refusing applicants' request under 37 CFR 1.42. Specifically, it was noted that the declaration did not include the full name and citizenship of the deceased inventor (37 CFR 1.497(a)(3)) in addition to the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2))

On 06 May 2008, applicants filed the instant renewed submission under 37 CFR 1.42.

DISCUSSION

A Supplemental Sheet of a declaration of inventors listing the full name and citizenship of the deceased inventor as well as the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor was provided. However, the declaration is not complete. For example, it does not identify the specification being executed or the other inventors. Each declaration must be complete even if it is signed by only one of the inventors or by the legal representative of one of the inventors. A complete declaration signed by the legal representative of Richard W. Renfree must be provided.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Applicant is required to submit a proper declaration within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

27 APR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
2000 Market Street
Tenth Floor
Philadelphia PA 19103

In re Application of	:	
LYNCH et al.	:	DECISION ON
Application No.: 11/914,909	:	
PCT No.: PCT/US2006/019311	:	PAPERS
Int. Filing Date: 19 May 2006	:	
Priority Date: 19 May 2005	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 70439.00208	:	
For: USE OF RECYCLED PLASTICS FOR STRUCTURAL BUILDING FORMS	:	

This is a decision on the renewed submission under 37 CFR 1.42 filed by applicants on 09 September 2008.

BACKGROUND

On 19 May 2006, applicants filed international application PCT/US2006/019311 which claimed a priority date of 19 May 2005 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 November 2007 .

On 19 November 2007, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of inventors. The indication that inventor Richard W. Renfree is deceased was treated as a request for status under 37 CFR 1.42.

On 21 March 2008, a decision was mailed refusing applicants' request under 37 CFR 1.42. Specifically, it was noted that the declaration did not include the full name and citizenship of the deceased inventor (37 CFR 1.497(a)(3)) in addition to the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2))

On 06 May 2008, applicants filed a renewed submission under 37 CFR 1.42 which was

accompanied by a Supplemental Sheet of a declaration of inventors listing the full name and citizenship of the deceased inventor as well as the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor.

On 18 August 2008, a decision was mailed refusing applicants' request under 37 CFR 1.42. Specifically, it was noted that the Supplemental Sheet provided on 06 May 2008 was not complete and that a complete declaration signed by the legal representative of Richard W. Renfree must be provided.

On 09 September 2008, applicants filed a renewed submission under 37 CFR 1.42 which was accompanied by a declaration of inventors and a Supplemental Sheet listing the full name and citizenship of the deceased inventor as well as the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor.

DISCUSSION

The submission filed 09 September 2008 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 09 September 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

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19 NOV 2008

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THE RAFFERTY PATENT LAW FIRM
1952 Gallows Road
Suite 200
Vienna VA 22182-3823

In re Application of	:	
ARLT, Joachim et al.	:	
Application No.: 11/914,940	:	NOTIFICATION
PCT No.: PCT/EP2006/004596	:	
Int. Filing Date: 16 May 2006	:	OF A
Priority Date: 19 May 2005	:	
Docket No.: ARLT=1	:	DEFECTIVE RESPONSE
For: PROCESS FOR MODIFYING A SILICONE RUBBER SURFACE	:	

This decision is in response to Applicant's Response to Notification of Missing Requirements, filed in the above-captioned application on 07 October 2008.

BACKGROUND

On 16 May 2006, applicants filed an international application, PCT/EP2006/004596, accompanied by an unexecuted declaration for the United States.

On 19 July 2006, applicants filed an executed declaration for the United States under PCT Rule 26*ter*.

On 19 November 2007, applicants supplied a transmittal letter for entry into the national phase in the United States, accompanied by, *inter alia*, the basic national fee.

On 07 May 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the oath or declaration of the inventors did not comply with 37 CFR 1.497(a)-(b), as it did not identify the application to which it was directed. It set a TWO (2) MONTH extendable period for response.

On 07 October 2008, applicants filed this response indicating that the declaration was filed with the originally filed request and was not filed under PCT Rule 26*ter*.

DISCUSSION

As indicated above, International Bureau records indicate that the PCT Rule 4.17(iv) declaration filed with the original request was unexecuted and that the executed declaration was filed under PCT Rule 26*ter* on 19 July 2006. As the declaration was furnished under PCT Rule 26*ter* it must identify the international application by number. An oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

For the reasons discussed above, applicants' petition under 37 CFR 1.181 to vacate the Notification of Missing Requirements is **DISMISSED** without prejudice.

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within a time limit of **ONE (1) MONTH** from the mail date of this Notification. No extension of this time limit may be granted under 37 CFR 1.136(a). Any request for reconsideration of this decision should include a cover letter entitled "Response to Notification of Defective Response." Failure to timely reply will result in the abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web, or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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MAIL

JUN 16 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
YOON, DOE HYUN, et al. :
Application No. 11/914,948 :
Filed: November 20, 2007 :
Attorney Docket No. 19819-181US1 OPP-WZ-2007- :

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 01, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

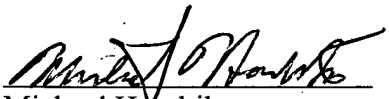
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation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

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

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



Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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Alexandria, VA 22313-1450
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JUL 29 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
YOON, DOE HYUN, et al. :
Application No. 11/914,949 :
Filed: July 08, 2009 :
Attorney Docket No. 19819-182US1 OPP-WZ-2007- :

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 13, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

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

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/915,079	05/21/2008	Kwang-kyu Koh	SNJ0111US	3110

7590 06/05/2009

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

EXAMINER	
NAM, HYUN	

ART UNIT	PAPER NUMBER
2184	

NOTIFICATION DATE	DELIVERY MODE
06/05/2009	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

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STERNE, KESSLER, GOLDSTEIN & FOX
P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005

MAILED

AUG 19 2009

OFFICE OF PETITIONS

Applicant: Kunihiko Matsumoto
Appl. No.: 11/915,087
International Filing Date: May 18, 2006
Title: TRAVELING VEHICLE
Attorney Docket No.: 0666.3490000/JHH/RDC
Pub. No.: US 2009/0101657 A1
Pub. Date: April 23, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 22, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the assignee's name is misprinted.

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

The error on the front page of the publication wherein the assignee's name Yanmar Co., Ltd. is misprinted as Yanmar Co. may be an Office error, but it is not a material Office error under 37 CFR 1.221. Applicant should not file requests for corrected publication when a publication includes errors in assignment information or missing assignment information. See MPEP 1130. Furthermore, the misprinting of the assignee's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

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

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

United States Patent and Trademark Office

12 MAY 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HUSCH BLACKWELL SANDERS LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS, MO 63105-3441

In re Application of :
Blaut et al. :
Application No.: 11/915,106 :
PCT No.: PCT/EP2006/062359 :
Int. Filing Date: 17 May 2006 : DECISION
Priority Date: 19 May 2005 :
Attorney Docket No.: 68897.0115US :
For: Installation For Moisture Detection For Motor Vehicles:

The petition to revive under 37 CFR 1.137(b) filed on 20 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Inspection of the declaration filed on 09 January 2008 reveals that it includes an un-initialed alteration to the mailing address of Andreas Blaut. Also, the second page is labeled "Page 2 of 2," and the box for "additional inventors" is not checked. These indicia are not consistent with the presence of the third sheet, "Page 3 of 3." As such, it is not clear whether each inventor signed a complete copy of the declaration, or whether Page 3 was added later instead.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

0 8 AUG 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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WILLIAM F. PROUT
IPLM GROUP, P.A.
POST OFFICE BOX 18455
MINNEAPOLIS MN 55418

In re Application of :
HUTCHINGS *et al* :
Application No.: 11/915122 :
PCT No.: PCT/GB2006/001866 :
Int. Filing Date: 22 May 2006 : DECISION
Priority Date: 21 May 2005 :
Atty. Docket No.: 252P001USWO :
For: NOVEL SURFACE ACTIVE :
POLYMERIC SYSTEMS :

This is a decision on applicants' "PETITION FOR REVIVAL..." filed in the U.S. Patent and Trademark Office (USPTO) on 28 December 2007. The petition was accompanied by, *inter alia,* the requisite petition fee, and the basic national fee. The petition is **GRANTED** as discussed below.

The present application became abandoned as to the U.S. National Stage on 21 November 2007 for failure to pay the basic national filing fee prior to the expiration of 30 months from the priority date.

A review of the application file reveals that applicants have satisfied the requirements of 37 CFR 1.137(b). The requisite fees have been charged to counsel's deposit account as authorized in the petition. A review of the application file also reveals that applicant has not provided a declaration of the inventors in compliance with 37 CFR 1.497.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision, including the preparation and mailing of a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and a surcharge for providing the oath or declaration later than 30 months from the priority date are required.

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE

06 AUG 2008

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Alexandria, VA 22313-1450
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20575
MARGER JOHNSON & MCCOLLUM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204

In re Application of :
SCALES, Nicholas John :
U.S. Application No.: 11/915,125 :
PCT No.: PCT/GB2006/002107 :
Int. Filing Date: 09 June 2006 : **DECISION**
Priority Date: 09 June 2005 :
Docket No.: 4353-0002 (J00047719US) :
For: RESISTING THE SPREAD OF :
UNWANTED CODE AND DATA :

This decision is in response to the petition under 37 CFR 1.47(b) submitted on 17 June 2008.

BACKGROUND

On 01 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Petitioner was given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 17 June 2008, the 37 CFR 1.47(b) applicant submitted the instant petition which was accompanied by, *inter alia*, the petition fee; an assignment; a declaration signed by Roger Ponting, Director of Glasswall (IP) Limited; a power of attorney; and other documentary evidence in support of the petition.

DISCUSSION

Applicant claims that the sole inventor, Nicholas John Scales "refuses to join in the application or cannot be found after diligent effort" and filed the subject petition.

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to cooperate or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The appropriate petition fee has been paid. The last known address of Mr. Scales is listed in the petition as:

Sparrows Farm
Sparrows Farm Road
Terling, Essex CM3 2QY
United Kingdom

Regarding item (4), section 409.03(b) of the MPEP requires that a declaration signed by the 37 CFR 1.47(b) applicant must be provided. In this case, the 37 CFR 1.47(b) applicant has provided a declaration was by Roger Ponting, as Director of the (purported) assignee, Glasswall (IP) Limited on behalf of the nonsigning inventor. The position of Director in foreign countries is presumed to have the authority to sign for a corporation. *See* § 324(V) MPEP. The declaration complies with the requirements of § 409.03(b)(A) of the MPEP and is in compliance with 37 CFR 1.497(a) and (b).

With regard to item (6), section 409.03(g) of the Manual of Patent Examining Procedure (MPEP) states that "[i]rreparable damage may be established by a showing (a statement) that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage." Here, the 37 CFR 1.47(b) applicant provides the required statement in paragraph 5 of the petition.

Items (1), (3), (4), (5) and (6) of 37 CFR 1.47(b) are satisfied.

However, the 37 CFR 1.47(b) applicant failed to satisfy items (2) and (5).

As previously indicated, petitioner claims that Mr. Scales "refuses to join in the application or cannot be found after diligent effort." Nonetheless, petitioner did **not** provide any evidence showing that **any** attempt was made to locate the nonsigning inventor, or verify whether he still lived at the same address. Therefore, this petition will be considered as a refusal to join. *See* § 409.03(d)(II) of the MPEP.

Petitioner submitted evidence that a complete copy of the subject application was forwarded to the last known address of the nonsigning inventor. However, there is no evidence that Mr. Scales received the documents in question. The first mailing on 24 May 2006 was returned as the notice left by the Royal Mail was "not called for." The documents mailed 17 December 2007 were delivered to the last known address listed in the petition on 18 December 2007. But there is no proof that Mr. Scales received these documents. The Royal Mail postal receipt (Exhibit D) does not contain any information that the documents were received by Mr. Scales.

For a refusal to be accepted, petitioner must show that Mr. Scales received a complete copy of the application, or that he refused delivery. If petitioner cannot verify

the whereabouts of the nonsigning inventor, the procedures outlined in § 409.03(d)(I), *Inventor Cannot Be Reached* of the MPEP should be followed.

For these reasons, item (2) of 37 CFR 1.47(b) is not yet satisfied.

With regards to item (5), § 409.03(f) of the MPEP discusses the proof required to show the requisite proprietary interest required by item (5) of 37 CFR 1.47(b) and states, in part:

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

In the petition, the 37 CFR 1.47(b) applicant provided a copy of a "Deed of Intellectual Property Assignment" signed by the sole inventor. A copy of the "Deed of Intellectual Property Assignment" and the change of name was also recorded in the subject application.

Mr. Lam, the United Kingdom patent attorney, declares in paragraph 2 of his statement that Mr. Scales executed the "Deed of Intellectual Property Assignment" which includes "patents. . . . including those subsisting (in any part of the world) . . . ." in connection with the preparation and filing of GB 0511749.4. [This Deed of Assignment was recorded in the GB against GB 0511749.4.] Mr. Lam points to paragraph 2.1 and definitions of IP subparagraphs (c) and (d) of the "Deed of Intellectual Property Assignment" as citations for his claim.

A review of the "Deed of Intellectual Property Assignment" shows that it is not actually an assignment as no specific intellectual property is assigned. Rather, the "Deed of Intellectual Property Assignment" is actually an agreement to assign, similar to an employment agreement.

Therefore, petitioner must show that the above-captioned invention falls within the scope of intellectual property rights contemplated by the "Deed of Intellectual Property Assignment." Petitioner must also establish (by a statement of a person having firsthand knowledge of the facts) that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant. Petitioner may also submit a legal memorandum signed by an attorney familiar with British law to meet the proprietary interest requirement.

For these reasons, item (5) of 37 CFR 1.47(b) is also not satisfied.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

22 DEC 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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20575
MARGER JOHNSON & MCCOLLUM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204

In re Application of :
SCALES, Nicholas John :
U.S. Application No.: 11/915,125 :
PCT No.: PCT/GB2006/002107 :
Int. Filing Date: 09 June 2006 : **DECISION**
Priority Date: 09 June 2005 :
Docket No.: 4353-0002 (J00047719US) :
For: RESISTING THE SPREAD OF :
UNWANTED CODE AND DATA :

This decision is in response to the renewed petition under 37 CFR 1.47(b) submitted on 03 November 2008.

BACKGROUND

On 06 August 2008, a decision dismissing applicant's petition under 37 CFR 1.47(b) was mailed. Petitioner was given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 03 November 2008, the 37 CFR 1.47(b) applicant submitted a response which included a one-month extension and fee, a statement of David Muskar and Alvin Lam, and documentary evidence in support of the petition.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to cooperate or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (2) and (5) of 37 CFR 1.47(b) were not satisfied in the initial petition.

Regarding item (2), the 37 CFR 1.47(b) applicants now claim that the sole inventor, Nicholas John Scales cannot be found after diligent effort. A review of the evidence and statement of facts by David Muskar and Alvin Lam clearly shows that petitioner has made a diligent effort to locate the nonsigning inventor to no avail. This

evidence is sufficient to meet the requirements of § 409.03(d)(I) of the MPEP.

Item (2) of 37 CFR 1.47(b) is now satisfied.

Concerning item (5), the 37 CFR 1.47(b) applicant has provided a legal memorandum by David Muskar, a British patent attorney who concludes in his memorandum that "as a matter of UK law under the UK Patents Act and Companies Act 2006, and by conveyance in the Deed of Intellectual Property Assignment, interest in the invention of the above-identified patent application lies solely with Glasswell (IP) Limited. Mr. Muskar also states as a Company Director of Avecho Group Limited, Mr. Scales had a "special obligation" to each company as a matter of UK law. This memorandum is sufficient to meet the requirements of § 409.03(f) of the MPEP.

Item (5) of 37 CFR 1.47(b) is also satisfied.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.47(b) is hereby **GRANTED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 June 2006, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 17 June 2008.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

22 DEC 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Mr. John Scales
Sparrows Farm
Sparrows Farm Road
Terling, Essex CM3 2QY
United Kingdom

In re Application of
SCALES, Nicholas John
U.S. Application No.: 11/915,125
PCT No.: PCT/GB2006/002107
Int. Filing Date: 09 June 2006
Priority Date: 09 June 2005
Docket No.: 4353-0002 (J00047719US)
For: RESISTING THE SPREAD OF UNWANTED CODE AND DATA

Mr. Scales:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

MARGER JOHNSON & MCCOLLUM, P.C.
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Portland, OR 97204

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/915,136	11/20/2007	Wataru Motoki	07763/LH	3586

7590 10/08/2009

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
CASLER, BRIAN L	

ART UNIT	PAPER NUMBER
3737	

MAIL DATE	DELIVERY MODE
10/08/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/915,219	03/10/2008	John Belding	ZFG-10802/01	4237

7590 11/10/2009

GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

EXAMINER	
GOLOMB, JORDAN RIVARD	
ART UNIT	PAPER NUMBER
3616	
MAIL DATE	DELIVERY MODE
11/10/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management

19 MAY 2008

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34444
UNIVERSITY OF VIRGINIA PATENT FOUNDATION
250 West Main Street
Charlottesville, VA 22902

In re Application of :
MANDA *et al*, :
U.S. Application No.: 11/915,225 :
PCT No.: PCT/US2006/005970 :
Int. Filing Date: 21 February 2006 :
Priority Date: 23 February 2005 :
Attorney Docket No.: 01085-05 :
For: NOVEL EGG RECEPTORS FOR SPERM PROTEINS :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 21 November 2007 is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that a surcharge fee pursuant to 37 CFR 1.492(h) for late filing of the search and examination fee is required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON, NJ 08540

MAILED

JAN 08 2010

OFFICE OF PETITIONS

In re Application of :
Shawn DEFREES, et al :
Application No. 11/915,239 : NOTICE
Filed: May 21, 2008 :
Attorney Docket No. 101961-5173-US :

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

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

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

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

Inquiries related to this communication should be directed to Diane C. Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of	:	
TOKIWA, TORU	:	DECISION ON REQUEST TO
Application No. 11/915,266	:	PARTICIPATE IN PATENT
Filed: Nov. 21, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. P31860	:	PILOT PROGRAM AND PETITION
For: METHOD OF CUTTING OFF WORKPIECE USING BAND SAW MACHINE AS WELL AS BAND SAW MACHINE	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed Dec. 28, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

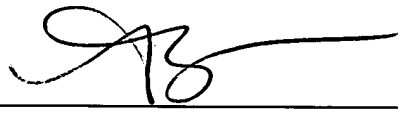
A grantable request to participate in the PPH pilot program and petition to make special require:

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

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of the IDS and a copy of Japanese patent publications are acknowledged. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Boyer Ashley, SPE of Art Unit 3724, 571-272-4502.

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



Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

29 MAR 2010

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of	:	
SUZUKI et al.	:	
Application No.: 11/915,269	:	DECISION
PCT No.: PCT/JP2006/310315	:	
Int. Filing Date: 24 May 2006	:	
Priority Date: 24 May 2005	:	
Attorney's Docket No.: WING1-42879	:	
For: METHOD FOR SIMULTANEOUS ANALYSIS	:	
OF MULTIPLE BIOLOGICAL REACTIONS OR	:	
CHANGES IN IN VIVO CONDITIONS	:	

This decision is in response to applicants' submission filed 30 June 2008. The submission has properly been treated as including a petition under 37 CFR 1.182 requesting correction of the international application number and a notification regarding the misspelling of an applicant's name.

BACKGROUND

On 21 November 2007, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, an Application Data Sheet (ADS). The international application number keyed into EFS-Web was PCT/US06/10315. However, the ADS indicates the international application number as PCT/JP2006/310315.

On 04 March 2008, applicants filed a declaration of inventors.

On 08 May 2008, the DO/EO/US mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, inter alia, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required because the last name of the second inventor was different on the declaration of inventors (HUSIMI) than on the published international application (FUSHIMI).

On 30 June 2008, applicants filed a submission which has properly been treated as

including a petition under 37 CFR 1.182 requesting correction of the international application number and a notification regarding the misspelling of an applicant's name.

On 26 January 2009, the DO/EO/US mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 30 June 2008.

DISCUSSION

Petition Under 37 CFR 1.182

Where an inconsistency exists in the originally filed application papers regarding the international application number, as it does in the papers filed 21 November 2007, a petition under 37 CFR 1.182 is required to correct the discrepancy. The petition must include the petition fee set forth in 37 CFR 1.17(f) and a statement which should set forth the specific circumstances as to how and when the error was made and should set forth that the mistake was an inadvertent error without deceptive intent.

The submission filed 30 June 2008 requests that the above-identified application be treated as the national stage of international application number PCT/JP2006/310315. Accordingly, this submission has been treated as a petition under 37 CFR 1.182. The petition fee of $400 has been charged to Deposit Account 16-0820. A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/JP2006/310315**.

Second Inventor's Last Name

The submission filed 30 June 2008 concerning the spelling of the last name of the second inventor explains that the spelling of the inventor's name in the declaration (HUSIMI) is accurate and that the spellings in the international application (FUSHIMI) and the NOTIFICATION OF THE RECORDING OF A CHANGE (Form PCT/IB/306) dated 06 November 2007 (HUSHIMI) are inaccurate. This explanation of the difference in spelling between the international application, Form PCT/IB/306, and the declaration of inventors is accepted and noted for the record.

NOTICE OF ACCEPTANCE

The correct 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 date is 04 March 2009. Accordingly, the NOTICE OF ACCEPTANCE and Filing Receipt mailed 26 January 2009 are hereby VACATED.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

For the reasons set forth above, the NOTICE OF ACCEPTANCE and Filing Receipt mailed 26 January 2009 are VACATED.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision including mailing of a new NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 and Filing Receipt indicating the 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 date as 04 March 2009.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

23 DEC 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

In re Application of	:	
IKUSHIMA, Kazumasa	:	
Application No.: 11/915,270	:	DECISION
PCT No.: PCT/JP2006/309817	:	
Int. Filing Date: 17 May 2006	:	ON PETITION UNDER
Priority Date: 17 May 2005	:	
Docket No.: 072546	:	37 CFR 1.137(b)
For: HIGH-SPEED AUTOMATIC DISPENSING DEVICE WITH REPLACEABLE DISPENSING HEAD AND DISPENSING STATION	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 21 November 2007 is **GRANTED**.

Applicant's statement of unintentional delay is construed to mean that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). If this is not a correct understanding, applicant must notify the Office immediately. The appropriate national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has furnished a declaration in compliance with 37 CFR 1.497(a)-(b). The processing fee for furnishing the English translation after 30 months will be charged to deposit account no. 50-2866.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 03 October 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

14 SEP 2009

COMMISSIONER FOR PATENTS
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NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

In re Application of BELLERS	:	
U.S. Application No.: 11/915,288	:	
PCT Application No.: PCT/IB2006/051654	:	
Int. Filing Date: 23 May 2006	:	DECISION
Priority Date Claimed: 23 May 2005	:	
Attorney Docket No.: 00 1065 US3	:	
For: SPATIAL AND TEMPORAL DE-INTERLACING WITH ERROR CRITERION	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 10 July 2009.

BACKGROUND

On 23 May 2006, applicant filed international application PCT/IB2006/051654, which claimed priority of an earlier United States application filed 23 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 30 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 23 November 2007.

On 21 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 May 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 August 2008, applicant filed an executed declaration.

On 17 October 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that a new translation of the international application into English is required.

On 10 July 2009, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

A review of PCT/IB2006/051654 reveals that the application was filed and published in English. Therefore, an English translation is not required under 35 U.S.C. 371(c)(2) and 37 CFR 1.495(c)(1)(i). Accordingly, the Notification of Defective Response was sent in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is DISMISSED AS MOOT.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 17 October 2008 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 23 May 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 August 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

11 JAN 2010

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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

In re Application of	
GARLAND, Thomas Alan	
Application No.: 11/915,310	DECISION
PCT No.: PCT/NL2006/050119	
Int. Filing Date: 18 May 2006	ON REQUEST UNDER
Priority Date: 23 May 2005	
Att. Docket No.: ARSI-032	37 CFR 1.497(d)
For: DEVICE FOR PLACING AND CONTAINING SOILED OBJECTS THEREIN	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 11 November 2009.

BACKGROUND

On 01 April 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia,* that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 02 June 2008, applicants filed a declaration listing one inventor and the surcharge for late filing of the search fee, examination fee or oath or declaration.

On 07 October 2009, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was not in compliance with 37 CFR 1.497(a)-(b) as it was not executed by inventor Dommerholt.

On 09 November 2009 and 11 November 2009, applicants filed a request under 37 CFR 1.497(d).

DISCUSSION

Applicants filed this request to remove Jos Dommerholt as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the

processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

2 3 JAN 2008

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United States Patent and Trademark Office
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Geir Monsen Vavik
N-7057 Jonsvatnet
Oevre Vikeraunet
NORWAY

In re Application of	:	
VAVIK et al.	:	
Application No.: 11/915,339	:	NOTIFICATION
For: METHOD OF OBTAINING SINGLE WIRE TRANSMISSION LINE	:	

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 23 November 2007, applicants filed application papers in the United States Patent and Trademark Office electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter, abstract, specification, drawings, and claims. The Transmittal Letter identifies the application as a "divisional application under 37 CFR 1.53(b) of pending prior international application number PCT PCT/NO2001/000079." However, when filing the application electronically, applicant selected in the Graphical User Interface under the radio button "Utility", the radio button "U.S. National Stage under 35 USC 371" rather than the radio button "Nonprovisional Application under 35 USC 111(a)". (See Electronic Acknowledgement Receipt for the instant application dated 23 November 2007.)

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO 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 part, the following:

> 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.
>
> * * *
>
> 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.

As noted above, applicant gave conflicting instructions. Thus, the papers should have been considered as having been filed under 35 U.S.C. 111(a). Accordingly, the original papers deposited on 23 November 2007 were improperly accepted as a submission under 35 U.S.C. 371.

CONCLUSION

This application is accepted as an application filed under 35 U.S.C. 111(a).

The application papers filed 23 November 2007 will be forwarded to the Office of Initial Patent Examination for processing as an application filed under 35 U.S.C. 111(a) having application number **11/915,339** and having a filing date of **23 November 2007**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

0 8 AUG 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

Muncy, Geissler, Olds & Lowe, PLLC
P.O. BOX 1364
FAIRFAX VA 22038-1364

In re Application of:
NICOLA, Thomas, et al.
U.S. Application No.: 11/915,374
PCT No.: PCT/EP2006/004881
International Filing Date: 23 May 2006
Priority Date: 23 May 2005
Atty Docket No.: 5003/0121pus1
For: MEDICAL DEVICE

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 30 July 008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 23 November 2007 based on applicants' failure to submit the U.S. basic national fee prior to the expiration of thirty months from the priority date.

On 12 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) confirming that the application was abandoned for failure to timely submit the basic national fee.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that applicants' 30 July 2008 submission included an English translation of the international application, as well as payment of the $130 processing fee for filing the English translation later than thirty months after the priority date and the $130 surcharge for filing an oath or declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicants have not yet filed an executed oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

10 FEB 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Themis Law
7660 Fay Ave Ste H535
La Jolla CA 92037

In re Application of:
HAIDER, Guenter, et al.
U.S. Application No.: 11/915,384
PCT No.: PCT/EP2006/062026
International Filing Date: 03 May 2006
Priority Date: 04 June 2005
Atty's Docket No.: 07GUS101
For: HELICAL CONVEYER CENTRIFUGE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 07 November 2008. Applicants have paid the required petition fee.

BACKGROUND

On 03 May 2006, applicants filed international application PCT/EP2006/062026. The international application claimed a priority date of 04 June 2005, and it designated the United States. On 14 December 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 04 December 2007.

On 25 November 2007, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 12 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 07 November 2008, applicants filed a response to the Notification Of Missing Requirements (with required extension fee) that included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of inventor Guenter HAIDER, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Applicants have filed a declaration executed by one of the two inventors of record which contains an unsigned signature block for the non-signing inventor. This declaration can be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

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

Here, applicants have provided a firsthand statement, accompanied by supporting documents, demonstrating that a request for signature (accompanied by a copy of the complete application) has been forwarded to the non-signing inventor at his last known address, and that the inventor has failed to provide the requested signature in response to such request. However, where, as here, applicants are asking that the silence of a non-signing inventor be interpreted as a refusal to sign, it is especially important that the petition shows that a complete set of application papers were mailed to a valid mailing address and received by the non-signing inventor. In the present petition, the evidence that the non-signing inventor has received the signature request is a copy of a return receipt in the German language; no translation of this return receipt has been provided. Applicants must provide an English translation of this return receipt before it can be concluded that the non-signing inventor has signed for receipt of the signature request, as required before the inventor's failure to respond to such request can be interpreted as a refusal to sign.

Based on the above, the present record does not provide an acceptable showing that the non-signing inventor has refused to execute the application. Accordingly, item (4) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

12 MAR 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Themis Law
7660 Fay Ave Ste H535
La Jolla CA 92037

In re Application of:
HAIDER, Guenter, et al.
U.S. Application No.: 11/915,384
PCT No.: PCT/EP2006/062026
International Filing Date: 03 May 2006
Priority Date: 04 June 2005
Atty's Docket No.: 07GUS101
For: HELICAL CONVEYER CENTRIFUGE

DECISION ON RENEWED PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 05 March 2009. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 10 February 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable showing that the non-signing inventor had refused to execute the application (applicants had not provided an English translation of the delivery receipt necessary to confirm that the non-signing inventor had received petitioner's signature request).

On 05 March 2009, applicants filed the renewed petition considered herein.

DISCUSSION

The present renewed petition includes a translation of the previously filed delivery receipt confirming that the correspondence (including the signature request and accompanying copy of the application) was received and signed for by the wife of the non-signing inventor. These materials, in combination with those previously submitted, provide an acceptable showing that a request for signature (accompanied by a copy of the complete application) has been forwarded to the non-signing inventor at his last known address, that the request was received at such address by the spouse of the non-signing inventor, and that the inventor has failed to provide the requested signature in response to such request. This is sufficient to support the conclusion that the non-signing inventor has refused to execute the present application. Applicants have therefore satisfied the final element of a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventor Guenter HAIDER.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 November 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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UNITED STATES PATENT AND TRADEMARK OFFICE

12 MAR 2009

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

Mr. Guenter HAIDER
Braunsberger Weg 18
84137 Vilsbiburg
GERMANY

In re Application of:
HAIDER, Guenter, et al.
U.S. Application No.: 11/915,384
PCT No.: PCT/EP2006/062026
International Filing Date: 03 May 2006
Priority Date: 04 June 2005
Atty's Docket No.: 07GUS101
For: HELICAL CONVEYER CENTRIFUGE

Dear Mr. Haider:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join 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.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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Counsel Of Record:
Themis Law
7660 Fay Ave Ste H535
La Jolla CA 92037

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

CARL M. NAPOLITANO, PH.D.
ALLEN, DYER, DOPPELT,
MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVE., SUITE 1401
P.O. BOX 3791
ORLANDO, FL 32802-3791

In re Application of	:	
Philip SENCIL, et al	:	
Application No. 11/915,395	:	DECISION ON PETITION
Filed: June 24, 2008	:	TO WITHDRAW
Attorney Docket No. 39332	:	FROM RECORD
	:	

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 6, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not the most current address of: (1) the first named inventor; or (2) an assignee of the entire interest who properly became of record under 37 C.F.R 3.71.

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

04 MAR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Antonelli, Terry, Stout & Kraus, LLP
1300 North Seventeenth Street
Suite 1800
Arlington, VA 22209-3873

In re Application of	:	
IWASE, et al.	:	
Application No.:11/915,422	:	
PCT No.: PCT/JP2006/310311	:	DECISION ON REQUEST
Int. Filing Date: 24 May 2006	:	
Priority Date: 26 May 2005	:	
Attorney Docket No.: 512.48081X00	:	
For: LIQUID DEVELOPING AGENT AND PROCESS FOR PRODUCING THE SAME		

This decision is issued in response to applicants' "Petition under 37 CFR 1.48(f)(i) and 1.497(d) Correction of Spelling of Inventor's Name" filed 26 November 2007 notifying the Office that the first inventor's name is Koji Iwase as indicated on the declaration (filed 26 November 2007) rather than Takashi Iwase as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Petitioner asserts that the name of the first inventor is Koji Iwase. The present petition states that "the correct spelling of the first inventor's name is Koji Iwase. This error occurred in transliteration from Japanese characters when preparing the PCT request." As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation of the difference in the spelling of the first inventor's name is accepted and noted for the record.

For the reasons above, the request is **GRANTED**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/915,468	04/13/2009	Yoshihisa Tanaka	TANAKA119	6271

1444 7590 10/21/2009

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER	
ART UNIT	PAPER NUMBER
3739	

MAIL DATE	DELIVERY MODE
10/21/2009	PAPER

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

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

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

Applicant: Tanaka
Appl. No.: 11/915,468
Filing Date: April 13, 2009
Title: ENDOSCOPE DEVICE
Attorney Docket No.: TANAKA119
Pub. No.: US 2009/0209820 A1
Pub. Date: August 20, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 19, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place. The Applicant is also reminded that if he wishes to include any amendments in the publication, said amendments must be incorporated into a clean specification and/or claims listing.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following

website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 10/23/2009 KKING1
10/20/2009 INTEFSW 00000473 11915468
01 FC:1504 -300.00 DP

Refund Ref:
10/23/2009 0030075894

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX1004

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

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APR 17 2009

OFFICE OF PETITIONS

Applicant: Kunze
Appl. No.: 11/915,509
International Filing Date: November 26, 2007
Title: PROBE FOR MEASURING THE OXYGEN CONTENT IN BIOLOGICAL TISSUE, AND CATHETER WITH SUCH A PROBE
Attorney Docket No.: KUNZE=1
Pub. No.: 2008/0194933 A1
Pub. Date: August 14, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 2, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the benefit claim date is erroneously printed as February 25, 2005 rather than the correct May 25, 2005.

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

The error in the benefit claim date on the front page of the publication is an Office mistake, in that the correct date should be May 25, 2005 rather than the printed February 25, 2005, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the foreign priority claim is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The specification and claims were accurately published, thus

[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).

one can read and understand the content of the application. The error also does not affect the use of the patent application publication as a prior art reference, because the foreign priority date is not useable as a reference date.

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

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

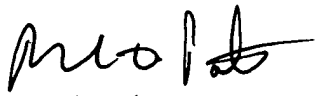
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

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



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

UNITED STATES PATENT AND TRADEMARK OFFICE

21 APR 2008

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

MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park NC 27709

In re Application of	:	
JUNG, et al.	:	
U.S. Application No.: 11/915,519	:	DECISION ON PETITION
PCT No.: PCT/KR06/00494	:	
Int. Filing Date: 13 February 2006	:	UNDER 37 CFR 1.137(b)
Priority Date: 23 May 2005	:	
Attorney Docket No.: 025079-000005	:	
For: MULTICULOR-ENCODED COLLOIDAL PARTICLES COATED WITH METAL NANO PARTICLES MIXTURE HAVING COLORS IN THE VISIBLE REGION...PREPARING SAME	:	

The petition to revive under 37 CFR 1.137(b) filed 26 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
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UNITED STATES PATENT AND TRADEMARK OFFICE

0 9 SEP 2008

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P.O. Box 1450
Alexandria, VA 22313-1450
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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park NC 27709

In re Application of	:	
JUNG, et al.	:	
U.S. Application No.: 11/915,519	:	DECISION ON PETITION
PCT No.: PCT/KR06/00494	:	
Int. Filing Date: 13 February 2006	:	UNDER 37 CFR 1.182
Priority Date: 23 May 2005	:	
Attorney's Docket No.: 025079-000005	:	
For: MULTICULOR-ENCODED COLLOIDAL PARTICLES COATED WITH METAL NANO PARTICLES MIXTURE HAVING COLORS IN THE VISIBLE RANGE....PREPARING SAME	:	

This decision is in response to applicant's correspondence filed 08 August 2008 in the United States Patent and Trademark Office (USPTO). For the reasons detailed below the response is being treated as a petition under 37 CFR 1.182.

BACKGROUND

On 21 April 2008, applicant was mailed a decision granting applicant's petition to revive the present national stage application.

On 15 May 2008, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response.

On 08 August 2008, applicant filed an executed declaration accompanied by a petition for a one-month extension of time and payment of the extension of time fee.

DISCUSSION

The filed declaration does not comply with 37 CFR 1.497(a)-(b). Specifically, the declaration lists and identifies the first inventor as Bong Hyun CHUNG whereas the published international application identifies the inventor as Bong Hyun JUNG. The ADS filed on 26 November 2007 also identifies the inventor as Bong Hyun JUNG.

The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

As applicant has not provided either a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **DISMISSED**.

Applicant is hereby afforded **TWO (2) MONTHS** to file a proper response as detailed above. The response should be titled, "Renewed Petition Under 37 CFR 1.182." In order to be considered the renewed petition must provide payment of the $400.00 petition fee.

Please direct future correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

24 NOV 2009

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park NC 27709

In re Application of	:	
JUNG, et al.	:	
U.S. Application No.: 11/915,519	:	DECISION ON PETITION
PCT No.: PCT/KR06/00494	:	
Int. Filing Date: 13 February 2006	:	UNDER 37 CFR 1.182
Priority Date: 23 May 2005	:	
Attorney's Docket No.: 025079-000005	:	
For: MULTICULOR-ENCODED COLLOIDAL PARTICLES COATED WITH METAL NANO PARTICLES MIXTURE HAVING COLORS IN THE VISIBLE RANGE....PREPARING SAME	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.182 filed 05 November 2008 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 09 September 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.182. Applicant was afforded two months to file any request for reconsideration.

On 05 November 2009, applicant filed the renewed petition considered herein.

DISCUSSION

As detailed in the decision mailed 09 September 2008, the Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names; explaining that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

Applicant has presently provided a detailed explanation as to the discrepancy in the last name listed on the published international application and that on the filed declaration. It is clear from applicant's explanation that the discrepancy occurred without deceptive intent. As such, it is proper to accept the declaration filed 08 August 2008 with the inventor's last name of Chung.

CONCLUSION

The renewed petition under 37 CFR 1.182 is **GRANTED**.

The application has an international filing date of 13 February 2006 under 35 U.S.C. 363 and will be given a date of **08 August 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Derek A. Putonen
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UNITED STATES PATENT AND TRADEMARK OFFICE

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ONE ATLANTIC CENTER FOURTEENTH FLOOR
1201 WEST PEACHTREE STREET NW
ATLANTA GA 30309-3488

In re Application of :
BRANDA, Neil R. et al. :
Application No.: 11/915,530 : DECISION
PCT No.: PCT/CA2006/000862 :
Int. Filing Date: 25 May 2006 : ON PETITION UNDER
Priority Date: 25 May 2005 :
Docket No.: 151202.00000 : 37 CFR 1.137(b)
For: PHOTOCHROMIC AND :
ELECTROCHROMIC COMPOUNDS AND :
SYNTHESIS AND USE THEREOF :

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 07 August 2008 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The search fee, examination fee and fee for late filing of the search fee, examination fee, or oath or declaration will be charged to deposit account no. 50-1429, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
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08 MAY 2008

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34755
Adam K. Sacharoff
MUCH SHELIST FREED DENENBERG AMENT & RUBENSTEIN, PC
191 N. Wacker Drive, Suite 1800
Chicago, IL 60606-1615

In re Application of	
KIM, Ik Nyun	
U.S. Application No.: 11/915,535	
PCT No.: PCT/KR2005/003487	
Int. Filing Date: 19 October 2005	**DECISION ON**
Priority Date: 21 October 2004	**PETITION UNDER**
Docket No.: 0005474.0030 (PF-E0095)	**37 CFR 1.137(b)**
For: TRAVELING OUTDOOR HEALTH MACHINE AND THE CONTROL METHOD	

Applicant's petition to revive under 37 CFR 1.137(b) filed on 26 November 2007 is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was also submitted. The $65.00 surcharge fee has been charged to Deposit Account No. 13-4825 as authorized.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT and TRADEMARK OFFICE

03 DEC 2008

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Jackson Chen
NEC Corporation of America
Intellectual Asset Center, America
6535 N. State Highway 161 Irving, Texas 75039

In re Application of	:	DECISION ON
Katsumaru Oono	:	
Application No.: 11/915,641	:	
PCT No.: PCT/JP06/310401	:	
Int. Filing Date: 24 May 2006	:	PETITION
Priority Date: 27 May 2005	:	
Attorney's Docket No.: J-07-0028	:	
For: IMAGE DISPLAY SYSTEM,...	:	
METHOD AND PROGRAM	:	UNDER 37 CFR 1.182

This decision is in response to the "LETTER OF PETITION UNDER RULE 91" filed on 07 December 2007, which is being treated as a petition under 37 CFR 1.182 to correct PCT serial number from the electronic entry of PCT/JP06/10401 to PCT/JP06/310401. Applicant has not paid the petition fee of $400.00.

BACKGROUND

On 24 May 2006, this international application was filed, claiming an earliest priority date of 27 May 2005.

On 27 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied, inter alia, by the requisite basic national fee as required by 35 U.S.C. 371 (c)(1), and an unexecuted declaration of the inventor.

However, the incorrect PCT number was submitted at the time of electronic filing.

DISCUSSION

Applicant has entered the incorrect PCT serial number, PCT/JP06/10401, at the time of electronically filing the application. Applicant has provided the correct international application number PCT/JP06/310401 but will need to explain the error and provide the petition fee of $400.00 under 37 CFR 1.182.

Once the petition is granted the correct number will be reflected in the application process.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182," and the petition must be paid.

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
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05 JAN 2009

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Jackson Chen
NEC Corporation of America
Intellectual Asset Center, America
6535 N. State Highway 161 Irving, Texas 75039

In re Application of	:	DECISION ON
Katsumaru Oono	:	
Application No.: 11/915,641	:	
PCT No.: PCT/JP06/310401	:	
Int. Filing Date: 24 May 2006	:	RENEWED PETITION
Priority Date: 27 May 2005	:	
Attorney's Docket No.: J-07-0028	:	
For: IMAGE DISPLAY SYSTEM,...	:	
METHOD AND PROGRAM	:	UNDER 37 CFR 1.182

This decision is in response to the "RENEWED PETITION UNDER CFR 1.182" filed on 12 December 2008, to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/JP06/310401. Petitioner has provided the petition fee of $400.00.

BACKGROUND

In a decision from this Office on 03 December 2008, the petition filed on 07 December 2007 was dismissed.

On 12 December 2008, petitioner filed the current petition.

DISCUSSION

Petitioner states that the PCT number was because of a typographical mistake entered as PCT/JP06/10401 rather than the correct number PCT/JP06/310401.

Although applicants entered the incorrect PCT serial number at the time of electronically filing the application, the correct PCT number PCT/JP06/310401 was placed in the executed declaration. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/JP06/310401.

Therefore, petition to accept the correct PCT number of PCT/JP06/310401 for the instant application is granted, and will be reflected in the filing receipt.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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OFFICE OF PETITIONS

In re Application of :
Acemoglu, et al. :
Application No. 11/915,658 : ON APPLICATION FOR
Filed: November 27, 2007 : PATENT TERM ADJUSTMENT
Atty Docket No. 34308-US-PCT :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT PRE-GRANT, filed September 25, 2009. The application will be treated under 37 C.F.R. 1.705(b). Applicants request that the initial determination of patent term adjustment be corrected from one hundred thirty-seven (137) days to one hundred fifty (150) days.

The application for patent term adjustment is **DISMISSED**. However, due to a calculation error, the patent term adjustment is being corrected to one hundred thirty-six (136) days.

On June 26, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 137 days. The instant application for patent term adjustment was timely filed[1].

Applicants dispute the period of adjustment of 137 days for Office delay in mailing at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371 in an international application. Applicants contend the period of reduction should be 150 days. Applicants assert that all

[1] PALM records indicate that the Issue Fee was received on September 25, 2009.

requirements of 35 U.S.C. 371(c) were met on November 27, 2007. Therefore, applicants argue that November 27, 2007 should be the date from which the 14 month period is calculated.
The Office calculated the 14 month period from December 9, 2007, which is 30 months from the priority date of June 9, 2005.

Applicants are informed that the date of completion of all 35 U.S.C. 371 requirements is relevant for purposes of patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)(II) and 37 CFR 1.702(a)(1) when the Office has failed to mail a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than 14 months after the date on which the requirements under 35 U.S.C. 371 were fulfilled. This date is the latest of:

(A) the date of submission of the basic national fee;
(B) the date of submission or communication of the copy of the international application;
(C) the date of submission of the translation of the international application if the international application is not in the English language;
(D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371(c)4)
(E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date;
(F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements requiring either an English translation of the international application or an oath or declaration; and
(G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months form the priority date.

As early processing was not requested in this application, the date of completion is 30 months from the priority date. See (E) above. The priority date was June 9, 2005. Thirty months form that date is December 9, 2007, a Sunday. The date of completion shifts to Monday, December 10, 2007. 37 CFR 80.5 Since commencement was the last requirement to fulfill the requirements of 371, then the date of completion changes to that date, in this instance, December 10, 2007.

Therefore, entry of a period of reduction of 136 days (from February 11, 2009, which is the date after 14 months after the date of completion, to June 26, 2009, the date a Notice of Allowance was mailed) is warranted. Accordingly, the period of reduction of 137 days is being removed and a period of reduction of 136 days is being entered.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance is 136 days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to Shirene Willis Brantley, Senior Petitions Attorney, at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

27 DEC 2007

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21917
McHALE & SLAVIN, P.A.
2855 PGA Blvd.
Palm Beach Gardens FL 33410

In re Application of :
COLES *et al* :
Application No.: 11/915,687 :
PCT No.: PCT/CA2006/000868 :
Int. Filing Date: 29 May 2006 :
Priority Date: 27 May 2005 : **DECISION**
Attorney's Docket No.: 2560.008 :
For: MODULATION OF THE INTEGRIN- :
LINKED KINASE SIGNALLING :
PATHWAY . . . :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 27 October 2007, applicants filed papers using the EFS-Web system to enter the national stage of PCT/CA2006/000868 at 16:48:27. The attorney docket number was listed as 2560.008. This application was given U.S. application number 11/915,687. A second set of national stage papers for PCT/US2006/012576 was filed using the EFS-Web system at 16:43:33 on the same day. The attorney docket number, specification and claims were all the same. The second filing was denoted as U.S. application number 11/915,685.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/CA2006/000868. The end result for an international application designating the United States of America is a single U.S. national stage application.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/CA2006/000868. The U.S. application No. Will be **11/915,687**.

Applicants are reminded to use only U.S. application No. 11/915,687 for all correspondence to the national stage application of PCT/CA2006/000868.

Applicants are advised that U.S. application No. 11/915,685 is no longer a valid U.S. National stage application. There is no record of any fees charged in the second national stage application (U.S. application No. 11/915,685). Thus, no refund is warranted.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

20 APR 2009

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THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314

In re Application of	:	
LEE, et al.	:	
Application No.: 11/915,737	:	
PCT No.: PCT/KR2006/002028	:	DECISION ON PETITION
Int. Filing Date: 27 May 2006	:	
Priority Date: 27 May 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: P10072US	:	
For: ANIMAL MODELS CARRYING TUMORS	:	
EXPRESSING HUMAN PROSTATE CANCER....	:	

The petition to revive under 37 CFR 1.137(b) filed 26 March 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now a preliminary amendment which addresses the issues raised in the Form PCT/DO/EO/923 mailed 19 May 2008. The preliminary amendment cancels the additional claims for which the additional claims fees were due. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

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RESTON, VA 20191

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MAY 14 2009

OFFICE OF PETITIONS

In re Application of :
Jae-Suk KWAK :
Application No. 11/915,759 : DECISION ON PETITION
Filed: November 28, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **P32759** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 31, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue/publication fees and failure to submit corrected drawings on or before March 16, 2009, as required by the Notices of Allowance/Allowability, mailed December 15, 2008. Accordingly, the date of abandonment of this application is March 17, 2009.

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

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

22 MAY 2009

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BRINKS, HOFER, GILSON & LIONE
P.O. BOX 1340
MORRISVILLE NC 27560

In re Application of	:	DECISION
GEWEHR et al.	:	
Application No.: 11/915,779	:	
PCT No.: PCT/EP2006/062586	:	
Int. Filing Date: 24 May 2006	:	
Priority Date: 31 May 2005	:	
Attorney Docket No.: 13779-117	:	
For: FUNGICIDAL 5-HYDROXYPYRAZOLINES, PROCESSES FOR THEIR PREPARATION AND COMPOSITIONS COMPRISING THEM	:	

This decision is in response to applicants' petition under 37 CFR 1.181 filed in the United States Patent and Trademark Office (USPTO) on 24 March 2009. No petition fee is due.

BACKGROUND

On 24 May 2006, applicant filed international application PCT/EP2006/062586 which designated the US and claimed a priority date of 31 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 07 December 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 November 2007.

On 28 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 22 April 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 28 November 2007 and a 35 U.S.C. 371 date of 30 November 2007.

On 24 March 2009, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition under 37 CFR 1.181 requests that the 35 U.S.C. 371 date of 30 November 2007 indicated on the NOTICE OF ACCEPTANCE mailed 22 April 2008 be corrected to 28 November 2007. Because the submission filed 28 November 2007 included an express request to begin national examination procedures, the correct 35 U.S.C. 371 date is 28 November 2007. See 35 U.S.C. 371(f). (If an express request had not been present, the 35 U.S.C. 371 date of 30 November 2007 would have been correct. See 35 U.S.C. 371(b).) Accordingly, the NOTICE OF ACCEPTANCE is hereby VACATED.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTICE OF ACCEPTANCE mailed 22 April 2008 is **VACATED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating both the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates as **28 November 2007**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/915,803	11/28/2007	Eiichi Akagi	KOT0336US	9286

7590 08/10/2009

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

EXAMINER	
BELLA, MATTHEW C	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
08/10/2009	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

COPY MAILED

FEB 0 1 2010

In re Application of :

BOLAND, Brian T. :
Application No. 11/915,845 : DECISION ON PETITION
Filed: May 19, 2008 : TO WITHDRAW
Attorney Docket No. **DUMME72.005APC** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 08, 2009.

The request is **APPROVED**.

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

The request was signed by Michael Trenholm on behalf of all attorneys of record who are associated with customer No. 20995. All attorneys/agents associated with the Customer Number 20995 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Brian Timothy Boland at the address indicated below.

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **BRIAN T. BOLAND**
8 CORNOCK AVENUE
THIRROUL NSW 2525
AU

20 AUG 2008

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COMMISSIONER FOR PATENTS
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MUNCY, GEISSLER, OLDS & LOWE, PLLC
P.O. BOX 1364
FAIRFAX, VA 22038-1364

In re Application of KUPETZ et al	:	
U.S. Application No.: 11/915,848	:	
PCT Application No.: PCT/EP2006/002676	:	
Int. Filing Date: 23 March 2006	:	DECISION
Priority Date Claimed: 28 April 2005	:	
Attorney Docket No.: 5003/0118PUS1	:	
For: CONTINUOUS DISHWASHING MACHINE WITH A SLIP-FREE SHORT STROKE	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 30 July 2008.

BACKGROUND

On 23 March 2006, applicant filed international application PCT/EP2006/002676, which claimed priority of an earlier Germany application filed 28 April 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 02 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 28 October 2007.

On 29 October 2007, international application PCT/EP2006/002676 became abandoned as to the United States for failure to timely pay the basic national fee.

On 30 July 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

Applicant is advised that the declaration filed 30 July 2008 is presently unacceptable.

37 CFR 1.69(b) states,

> Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.

The declaration does not use an official form provided by the USPTO, i.e. USPTO Form PTO/SB/103. Applicant must submit either: (1) a declaration using the official USPTO form or (2) a statement that the translation contained in the submitted declaration is accurate.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that either an oath or declaration in compliance with 37 CFR 1.497 or a statement that the translation contained in the declaration filed 30 July 2008 is correct must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/915,889		Masahiko SHIOI	OKUDP0269US	1325

51921 7590 10/02/2008

MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

EXAMINER	
ART UNIT	PAPER NUMBER
2859	

MAIL DATE	DELIVERY MODE
10/02/2008	PAPER

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

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

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MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

In re Application of
Masahiko SHIOI
Application No.: 11/915,889
Filed: 11/29/2007
Attorney Docket No.: OKUDP0269US

For: LIVING BODY INGREDIENT CONCENTRATION MEASURING INSTRUMENT

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 4 September 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

   Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition meet the requirements (1) through (7), above.

CONCLUSION

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/915,889		Masahiko SHIOI	OKUDP0269US	1325

51921 7590 10/02/2008

MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

EXAMINER	
ART UNIT	PAPER NUMBER
2859	

MAIL DATE	DELIVERY MODE
10/02/2008	PAPER

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

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

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MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

In re Application of
Masahiko SHIOI
Application No.: 11/915,889
Filed: 11/29/2007
Attorney Docket No.: OKUDP0269US

For: LIVING BODY INGREDIENT CONCENTRATION MEASURING INSTRUMENT

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 4 September 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

   Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition meet the requirements (1) through (7), above.

CONCLUSION

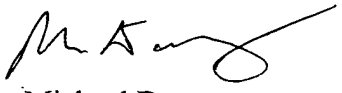
The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

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

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IRVINE CA 92614

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FEB 16 2010

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OFFICE OF PETITIONS

In re Application of

BOLAND, Brian T.
Application No. 11/915,897
Filed: June 02, 2008
Attorney Docket No. **DUMME72.004APC**

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 08, 2009.

The request is **APPROVED**.

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

The request was signed by Michael Trenholm on behalf of all attorneys of record who are associated with customer No. 20995. All attorneys/agents associated with the Customer Number 20995 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Brian Timothy Boland at the address indicated below.

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **BRIAN T. BOLAND**
8 CORNOCK AVENUE
THIRROUL NSW 2525
AU

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/915,927	05/29/2008	Thomas Rau	OST-071294	1564

22876 7590 02/23/2009

FACTOR & LAKE, LTD
1327 W. WASHINGTON BLVD.
SUITE 5G/H
CHICAGO, IL 60607

EXAMINER	
CHIN, PAUL T	
ART UNIT	**PAPER NUMBER**
3652	
MAIL DATE	**DELIVERY MODE**
02/23/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Date Mailed: February 23, 2009

FACTOR & LAKE, LTD
1327 W. WASHINGTON BLVD.
SUITE 5G/H
CHICAGO IL 60607

Applicant: Rau
Appl. No.: 11/915,927
Filing Date: May 29, 2008
Title: HANDLING DEVICE FOR HANDLING A MOTOR VEHICLE RIM IN A SURFACE TREATMENT INSTALLATION
Attorney Docket No.: OST-071294
Pub. No.: US 2008/0310943 A1
Pub. Date: December 18, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on February 19, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.** The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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: 02/24/2009 KKING1
02/20/2009 INTEFSW 00003258 11915927
01 FC:1504 -300.00 DP

Refund Ref:
02/24/2009 0030067014

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX3049

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DICKINSON WRIGHT, PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 20006

MAILED

JUL 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Pedro Ricardo De Frias Rebelo Nunes	:	DECISION ON PETITION
Application No. 11/915,969	:	TO WITHDRAW
Filed: November 29, 2007	:	FROM RECORD
Attorney Docket No. 2005P09298 (NSN)	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 31, 2010.

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

A review of the file record indicates that on June 4, 2010 the power of attorney to Dickinson Wright, PLLC was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

20 JAN 2010

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COMMISSIONER FOR PATENTS
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BOZICEVIC, FIELD & FRANCIS LLP
1900.UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

In re Application of CLARK	:	
U.S. Application No.: 11/915,978	:	
PCT Application No.: PCT/US2006/021282	:	
Int. Filing Date: 01 June 2006	:	DECISION
Priority Date Claimed: 02 June 2005	:	
Attorney Docket No.: TRCA-007	:	
For: METHODS FOR TREATMENT OF GROWTH DISORDERS	:	

This is in response to applicant's correspondence filed 19 October 2009, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 01 June 2006, applicant filed international application PCT/US2006/021282, which claimed priority of an earlier United States application filed 02 June 2005. The thirty-month period for paying the basic national fee in the United States expired on 03 December 2007.

On 29 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 01 June 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 19 October 2009, applicant filed the present request for status under 37 CFR 1.42, including an executed declaration.

DISCUSSION

The request for status states that inventor Ross Clark is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 19 October 2009 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 01 June 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 October 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

13 APR 2009

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BRINKS, HOFER, GILSON & LIONE
P.O. BOX 1340
MORRISVILLE NC 27560

In re Application of	:	DECISION
GEWEHR et al.	:	
Application No.: 11/915,989	:	
PCT No.: PCT/EP2006/062565	:	
Int. Filing Date: 24 May 2006	:	
Priority Date: 31 May 2005	:	
Attorney Docket No.: 13779-120	:	
For: FUNGICIDAL 5-HYDROXYPYRAZOLINES, METHOD FOR PRODUCING THE SAME AND AGENTS COMPRISING THE SAME	:	

This decision is in response to applicants' petition under 37 CFR 1.181 filed in the United States Patent and Trademark Office (USPTO) on 11 February 2009. No petition fee is due.

BACKGROUND

On 24 May 2006, applicant filed international application PCT/EP2006/062565 which designated the US and claimed a priority date of 31 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 07 December 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 November 2007.

On 29 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 24 April 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 29 November 2007 and a 35 U.S.C. 371 date of 30 November 2007.

On 11 February 2009, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition under 37 CFR 1.181 requests that the 35 U.S.C. 371 date of 30 November 2007 indicated on the NOTICE OF ACCEPTANCE mailed 24 April 2008 be corrected to 29 November 2007. Because the submission filed 29 November 2007 included an express request to begin national examination procedures, the correct 35 U.S.C. 371 date is 29 November 2007. See 35 U.S.C. 371(f). (If an express request had not been present, the 35 U.S.C. 371 date of 30 November 2007 would have been correct. See 35 U.S.C. 371(b).) Accordingly, the NOTICE OF ACCEPTANCE is hereby VACATED.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTICE OF ACCEPTANCE mailed 24 April 2008 is **VACATED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating both the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates as **29 November 2007**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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2 3 FEB 2009

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Ditthavong, Mori & Steiner, P.C.
918 Prince St.
Alexandria, VA 22314

In re Application of	:	
MIYAZAWA et al.	:	
U.S. Application No. 11/916,021	:	DECISION ON
PCT No.: PCT/JP2006/300129	:	PETITION UNDER
Int. Filing Date: 10 January 2006	:	37 CFR 1.47(a)
Priority Date: 01 June 2005	:	
Attorney Docket No.: 01187_1001	:	
For: ADVERTISING INFORMATION DISPLAY METHOD, ADVERTISING INFORMATION DISPLAY SYSTEM, ADVERTISING INFORMATION DISPLAY PROGRAM, AND ADVERTISING INFORMATION RANKING PROGRAM	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 07 January 2009 to accept the application without the signature of joint-inventor, Shinji Kimura.

BACKGROUND

On 10 January 2006, applicants filed international application PCT/JP2006/300129 which claimed a priority date of 01 June 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 December 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 01 December 2007.

On 29 November 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; and an application data sheet.

On 02 January 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 07 January 2009, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

As to item (2), petitioner states that Shinji Kimura cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that applicants have not provided an acceptable showing that a diligent effort was made to reach the nonsigning inventor, Shinji Kimura. The Statement of Gen Miyazawa states that "the application papers were sent to Mr. Kimura's last known address on November 28, 2007[. . .] The envelope was returned to sender." A copy of the envelope addressed to Shinji Kimura has been provided. However, the declaration fails to include evidence of any other attempts made to locate the nonsigning inventor. Further, the single mailing of the papers to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the inventor.

Before item (2) can be considered satisfied, applicants must provide the required firsthand evidence (with documentary support) demonstrating that a diligent effort has been made to locate the nonsigning inventor. A diligent effort to locate the inventor should include an internet search, and the results of such a search should be included in any subsequent submission herein.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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Ditthavong, Mori & Steiner, P.C.
918 Prince St.
Alexandria, VA 22314

In re Application of: MIYAZAWA et al.
U.S. Application No. 11/916,021
PCT No.: PCT/JP2006/300129
Int. Filing Date: 10 January 2006
Priority Date: 01 June 2005
Attorney Docket No.: 01187_1001
For: ADVERTISING INFORMATION DISPLAY METHOD, ADVERTISING INFORMATION DISPLAY SYSTEM .... AND ADVERTISING INFORMATION RANKING PROGRAM

DECISION ON PETITION UNDER 37 CFR 1.47(a)

In a decision mailed by this Office on 23 February 2009, applicants' renewed petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition.

On 22 April 2009, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Gen Miyazawa, with accompanying documents, which provides the required firsthand evidence that a copy of the complete application was delivered to the inventor at his last known address, and that he has refused to execute the declaration, as requested. These materials satisfy the outstanding requirements for a grantable petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor Shinji Kimura. A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing.

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UNITED STATES PATENT AND TRADEMARK OFFICE

08 MAY 2009

Commissioner for Patents
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Shinji Kimura
Room No. 24, Tokyu Azabu Apt.
Azabumamiana-cho 47
Minato-ku, Tokyo 106-0042 Japan

In re Application of: MIYAZAWA et al.
U.S. Application No. 11/916,021
PCT No.: PCT/JP2006/300129
Int. Filing Date: 10 January 2006
Priority Date: 01 June 2005
Attorney Docket No.: 01187_1001
For: ADVERTISING INFORMATION DISPLAY METHOD, ADVERTISING INFORMATION DISPLAY SYSTEM, ADVERTISING INFORMATION DISPLAY PROGRAM, AND ADVERTISING INFORMATION RANKING PROGRAM

Dear Mr. Kimura:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Anthony Smith
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Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Ditthavong, Mori & Steiner, P.C.
918 Prince St.
Alexandria, VA 22314

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06 DEC 2007

60803
SHERR & NOURSE, PLLC
620 Herndon Parkway
Suite 200
Herndon, VA 20170

In re Application of:
PARK, Sung-Jin
U.S. Application No.: 11/916,045
PCT No.: PCT/KR2005/002063
Int. Filing Date: 30 June 2005
Priority Date: 27 May 2005
Attorney Docket No.: 406-0015
For: TACK SET FOR USE ON BULLETIN BOARDS

DECISION

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 30 November 2007 which is hereby **GRANTED** as follows:

The basic national fee and petition fee for a small entity have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. All requirements of 37 CFR 1.137(b) are satisfied.

Applicant submitted a declaration in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the Office of Patent Application Processing for the mailing of a Form PCT/DO/EO/905 requesting a $65.00 surcharge fee.

James Thomson
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Office of PCT Legal Administration

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21 JUL 2009

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NORRIS, MCLAUGHLIN & MARCUS, P.A.
875 THIRD AVE
18TH FLOOR
NEW YORK NY 10022

In re Application of
HOHEISEL, et al.
U.S. Application No.: 11/916,067
PCT No.: PCT/EP2006/005087
International Filing Date: 27 May 2006
Priority Date: 09 June 2005
Attorney's Docket No.: 100717-731
For: HYDROPHILIC NANOPARTICLES WITH FUNCTIONAL SURFACE GROUPS, PRODUCTION AND USE THEREOF

DECISION ON PETITION

This decision is issued in response to applicant's "PETITION TO RESCIND IMPROPER NOTICE OF ABANDONMENT" filed on 25 June 2009 in the United States Patent and Trademark Office (USPTO), which is being treated as a Petition to Withdraw Holding of Abandonment under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 27 May 2006, applicant filed international application PCT/EP2006/005087 which claimed a priority date of 09 June 2005 and which designated the United States. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 09 December 2007.

On 30 November 2007, the United States Patent and Trademark Office (USPTO) received a submission from applicant seeking to enter the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 07 February 2008, applicant filed an executed combined declaration and power of attorney of the inventors accompanied by payment of the appropriate surcharge.

On 20 May 2008, the USPTO mailed a Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) indicating that applicant was required to submit an "initial or substitute computer readable form (CRF) of the Sequence Listing." The notification set a two-month time limit in which to respond.

On 08 July 2008, applicant filed "Response to Notice of Non-Compliant Sequence

Listing" which included a paper sequence listing and a diskette containing a purported computer readable form (CRF).

On 08 September 2008, the United States Designated/ Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that additional sequence listing materials were required. Applicant was afforded one month or the extendable time remaining from the Form PCT/DO/EO/922) to respond.

On 22 September 2008, applicant filed a "Response to Notification of Defective Response" which included an additional paper sequence listing and a diskette containing a purported computer readable form (CRF).

On 07 January 2009, the United States Designated/ Elected Office (DO/EO/US) mailed a second Notification of Defective Response (Form PCT/DO/EO/916) indicating that additional sequence listing materials were required, including a computer readable form (CRF) of the sequence listing.[1]

On 22 January 2009, applicant filed a "Response to Notification of Defective Response" which included an additional paper sequence listing and a diskette containing a purported computer readable form (CRF).

On 01 June 2009, the USPTO mailed a Notification of Abandonment under 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Form PCT/DO/EO/922 mailed 20 May 2008 within the time period set therein.

On 25 June 2009, applicant filed a "PETITION TO RESCIND IMPROPER NOTICE OF ABANDONMENT."

DISCUSSION

The above-identified application was abandoned for failure to file a complete response to the Form PCT/DO/EO/922 mailed 20 May 2008, in that, the sequence listing in computer readable form complying with 37 CFR 1.821-1.825 had not been submitted within the period set therein. Since the Form PCT/DO/EO/922 was mailed 20 May 2008 , applicants were required to submit a response by 20 July 2008. If applicant elected to use to the provisions under 37 CFR 1.136, applicant was required to file a complete response by 20 December 2008.

Applicant submitted a response to the Notification of Defective Response on 22 September 2008. A review of the application file reveals that the Computer Readable Form

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[1]The United States Designated/Elected Office should have mailed a Notification of Abandonment (Form/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Form PCT/DO/EO/922 mailed 20 May 2008 since the time period to respond had expired.

filed 22 September 2008 was not compliant and was not considered a proper response to the Notification of Defective Response. Since the time-limit to respond to the Notification Of Missing Requirements (Form PCT/DO/EO/922) had elapsed, a Notification of Abandonment should have been mailed, instead of the second Notification Of A Defective Response (Form PCT/DO/EO/916) dated 07 January 2009. (See Manual of Patent Examining Procedure §714.03, states that "once an inadvertent omission is brought to the attention of the applicant, the question of inadvertence no longer exists. Therefore, a second Office action giving another new (1 month) time period to supply the omission would not be appropriate under 37 CFR 1.135(c).)

Therefore, the USPTO was correct in mailing the Notification of Abandonment dated 01 June 2009 and the petition may not be properly granted.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED** without prejudice and the application remains **ABANDONED**.

Applicants may wish to consider filing a petition to the Commissioner under 37 CFR 1.137(b) requesting that the application be revived. Any petition filed under 37 CFR 1.137(b) requesting that the application be revived must meet the criteria indicated in the recent revision of 37 CFR 1.137. This recommendation to file a petition under 37 CFR 1.137(b) should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

22 OCT 2009

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Norris, McLaughlin & Marcus, P.A.
875 Third Avenue
18th Floor
New York, NY 10022

In re Application of	:	
HOHEISEL, et al.	:	DECISION ON PETITION
Application No.: 11/916,067	:	
PCT No.: PCT/EP2006/005087	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 27 May 2006	:	
Priority Date: 09 June 2005	:	
Atty. Docket No.: 100717-731	:	
For: HYDROPHILIC NANOPARTICLES WITH FUNCTIONAL SURFACE GROUPS, PRODUCTION AND USES THEREOF	:	

The petition to revive under 37 CFR 1.137(b) filed 21 September 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the delay in entering the national phase of this application was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided a compliant computer readable version of the sequence listing. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 27 May 2006 under 35 U.S.C. 363 and will be given a date of **07 February 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

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SENNIGER POWERS LLP
100 NORTH BROADWAY
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ST LOUIS MO 63102

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OFFICE OF PETITIONS

In re Application of	:	
Randolph et al.	:	
Application No. 11/916,145	:	ON PETITION
Filed: November 30, 2007	:	
Attorney Docket No. ENV 10005.2	:	

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

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

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

Petitioner's deposit account has been charged $765.00 as authorized on September 1, 2009.

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 Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

26 JUN 2009

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23599
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 Clarendon Blvd.
Suite 1400
Arlington, VA 22201

In re Application of :
LIU *et al* :
U.S. Application No.: 11/916,180 :
PCT No.: PCT/CN2006/001181 :
Int. Filing Date: 01 June 2006 :
Priority Date: 03 June 2005 : **DECISION**
Docket No.: NTD-0006 :
For: METHOD FOR PRODUCING :
1,3-PROPANEDIOL USING CRUDE :
GLYCEROL, A BY-PRODUCT FROM :
BIODIESEL PRODUCTION :

This is a decision on the papers filed 16 March 2009.

BACKGROUND

On 29 April 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 01 May 2008, applicants submitted a declaration executed by five inventors.

On 02 February 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration submitted 29 April 2008 was not in compliance with 37 CFR 1.497(a) and (b) because the inventors listed did not match the inventors listed on the international application.

On 16 March 2009, applicants filed the subject response which was accompanied by, *inter alia*, a petition under 37 CFR 1.497(d), a $130.00 processing fee, a statement of the inventor being added, a statement by the assignee and a statement under 37 CFR 3.73(b).

DISCUSSION

The Form PCT/DO/EO/916 mailed 02 February 2009 provided applicants a period of one month to respond, or any time remaining in the response set forth in the Form PCT/DO/EO/905 mailed 29 April 2008, whichever is longer.

There was no time remaining to respond in the period given by the Form PCT/DO/EO/905. As such, applicants had only one month to provide an appropriate response.

The response filed 16 March 2009 is beyond the one-month time limit provided by the Form PCT/DO/EO/916 mailed 02 February 2009.

CONCLUSION

The response filed 16 March 2009 is **DISMISSED** as untimely.

Accordingly, the subject application is hereby **ABANDONED**.

Applicants' request to add an inventor under 37 CFR 1.497(d) will not be considered at this time.

If reconsideration on the merits of this decision is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Applicants may consider filing a petition to revive under 37 CFR 1.137(b). Failure to respond in a timely manner may be considered as an intentional delay.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

14 SEP 2009

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Arlington, VA 22201

In re Application of :
LIU *et al* :
U.S. Application No.: 11/916,180 :
PCT No.: PCT/CN2006/001181 :
Int. Filing Date: 01 June 2006 :
Priority Date: 03 June 2005 : **DECISION**
Docket No.: NTD-0006 :
For: METHOD FOR PRODUCING :
1,3-PROPANEDIOL USING CRUDE :
GLYCEROL, A BY-PRODUCT FROM :
BIODIESEL PRODUCTION :

This is a decision on the papers filed 06 July 2009 which are treated as a petition to revive under 37 CFR 1.137(b) and a petition to add an inventor under 37 CFR 1.497(d).

BACKGROUND

On 26 June 2009, the Office mailed a decision notifying applicant that the subject application was abandoned for failing to timely respond to the Form PCT/DO/EO/916 mailed 02 February 2009. Applicants were given two months to respond with extensions of time available.

On 06 July 2009, applicants filed a petition to revive under 37 CFR 1.137(b).

DISCUSSION

Petition to Revive Under 37 CFR 1.137(b)

A petition to revive pursuant to 37 CFR 1.137(b) requires: (1) a proper reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply to the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Applicants submitted a petition under 37 CFR 1.497(d) on 16 March 2009. The filing of a petition under 37 CFR 1.497(d) is considered an appropriate response to the PCT/DO/EO/916 mailed 02 February 2009. The petition fee for a small entity has been paid. Applicants made the required statement. A terminal disclaimer is not required.

All items of 37 CFR 1.137(b) are complete.

CONCLUSION

Applicants' petition to revive under 37 CFR 1.137(b) is **GRANTED**.

Petition to Add an Inventor Pursuant to 37 CFR 1.497(d)

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> (1) A statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(l); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Here, applicants filed the requisite statement by Mr. Yan Sun. The processing fee of $130.00 has been paid. Applicants also submitted a consent of assignee signed by Dehua Liu, an official of Tsinghua University, the assignee. A "Statement Under 37 CFR 3.73(b)" executed by Mr. Liu attesting that he has the authority to act on behalf of the assignee was also provided. An assignment to Tsinghua University was also recorded in the subject application.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to add an inventor under 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 01 May 2008 is now in compliance with 37 CFR 1.497(d).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 01 June 2006, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 01 May 2008.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/916,222	11/30/2007	Takashi Tsuzuki	2007-1991A	3057

52349 7590 03/18/2009

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER	
ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
03/18/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of: TSUZUKI et al.
Application No. 11/916,222
Filed: November 30, 2007
For: **NAMED ENTITY EXTRACTING APPARATUS, METHOD, AND PROGRAM**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 2, 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 is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

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

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

_____

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

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DICKINSON WRIGHT, PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 20006

MAILED

JUL 01 2010

OFFICE OF PETITIONS

In re Application of :
Gotz Lichtwald :
Application No. 11/916,248 :
Filed: January 9, 2008 :
Attorney Docket No. 2005P09407 (NSN) :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 31, 2010.

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

A review of the file record indicates that on June 4, 2010 the power of attorney to Dickinson Wright, PLLC was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

UNITED STATES PATENT AND TRADEMARK OFFICE

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SNELL & WILMER LLP (OC)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA CA 92626

MAILED

AUG 17 2009

OFFICE OF PETITIONS

Applicant: Taib et al.
Appl. No.: 11/916,255
International Filing Date: June 2, 2006
Title: MULTIMODAL COMPUTER NAVIGATION
Attorney Docket: 29576-3100
Pub. No.: US 2009/0049388 A1
Pub. Date: February 19, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 11, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains the material error of not including a preliminary amendment.

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

The error noted by requestor with respect to the preliminary amendment in the publication is not an Office error. Patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). [2] The publication accurately reflected the specification as filed and the "failure to include an amendment is not an Office error." See MPEP 1130(B).

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[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

[2] Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan; Final Rule, 69 FR 56482 (Sept. 21, 2004).

Applicant did not file a substitute specification including the amendment . Applicant did not file a copy of the application in compliance with the Office electronic filing systems requirements. See 37 CFR 1.215 and MPEP 1121.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on March 11, 2009, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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

A "request for republication of an application previously published" filed under 37 CFR 1.221(a) "must include a copy of the application compliance with the Office's electronic filing system [EFS] requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." Applicant's petition does not comply with the EFS requirements. The republication will not take place and the publication fee set forth in § 1.18(d) has not been charged. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

07 APR 2008

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

In re Application of	:	
MARINO	:	
Application No.: 11/916,277	:	
PCT No.: PCT/US06/16042	:	DECISION ON PETITION
Int. Filing Date: 27 April 2006	:	
Priority Date: 27 April 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 22716-008US1	:	
For: MONO-PLANAR PEDICLE SCREW METHOD SYSTEM AND KIT	:	

The petition to revive under 37 CFR 1.137(b) filed 30 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application has an international filing date of 27 April 2006 under 35 U.S.C. 363 and will be given a date of **30 November 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

cc:
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
5355 Mira Sorrento Place, Suite 600
San Diego, CA 92121

05 AUG 2008

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

In re Application of :
BORGAONKAR, Shekhar Ramachandra et al. :
Application No.: 11/916,290 : DECISION
PCT No.: PCT/IN2005/000210 :
Int. Filing Date: 20 June 2005 : ON PETITION UNDER
Priority Date: None :
Docket No.: 200407275-2 : 37 CFR 1.137(b)
For: METHOD, ARTICLE, APPARATUS AND :
COMPUTER SYSTEM FOR INPUTTING A :
GRAPHICAL OBJECT :

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 27 May 2008 is **GRANTED**.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has furnished a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b). The surcharge for furnishing the search fee, examination fee or oath or declaration after 30 months from the priority date will be charged to deposit account no. 08-2025, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a35 USC 371(c)(1), (c)(2) and (c)(4) date of 27 May 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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DARBY & DARBY PC
PO BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

COPY MAILED

JUN 05 2009

OFFICE OF PETITIONS

In re Application of :
Taniuchi, et al. :
Application No. 11/916,329 : ON PETITION
Filed: December 3, 2007 :
Attorney Docket No. 09852/0208591-US0 :

This is in response to the "PETITION TO THE DIRECTOR UNDER 37 C.F.R. 1.181 TO TRANSFER ALL FEES AND DOCUMENTS FROM 11/916,411 TO 11/916,329", filed February 9, 2009.

The request is **GRANTED** to the extent indicated below.

Applicants electronically filed application No. 11/916,411 on December 3, 2007. However, during the submission of the filing fees, applicants were disconnected from EFS Web. Applicants tried to ascertain that the application was filed, but did not receive an Electronic Acknowledgment Receipt. To preserve their rights, Applicants filed the application again, but did not pay the fees. This application was properly processed, and was accorded application No. 11/916,329. Subsequently, approximately 3 hours later, applicants received the Electronic Acknowledgment Receipt for the first application, and it was accorded application No. 11/916,411.

Applicants now request that the $930 in filing fees from the 11/916,411 application be transferred to the 11/916,329 application, and that all the documents in the 11/916,411 application be transferred as well. Applicants also request that an assignment filed on December 4, 2007 against the '411 application be re-recorded under the '329 application.

To the extent that applicants request that the fees from the '411 application be transferred to the '329 application, the petition is granted. However, a review of the papers in the '411 application reveals that they are identical to those in the '329 application. Accordingly, this request is dismissed as unnecessary. To the extent that applicants request that the assignment be re-recorded, this request is dismissed. It is suggested that applicant follow the procedures set forth in Manual of Patent Examining Procedure, section 323 to correct the assignment records.

The above application is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the application papers filed on December 3, 2007, and the $930 in filing fees originally submitted in application No. 11/916,411.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

22 JUL 2009

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

In re Application of	:	
LIM	:	
Application No.: 11/916,437	:	
PCT No.: PCT/KR2006/002140	:	DECISION ON PETITION
Int. Filing Date: 02 June 2006	:	
Priority Date: 04 June 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 600070.401USPC	:	
For: PANTIES OF MAN'S FOR PROTECTION OF GENITAL AREA	:	

The petition to revive under 37 CFR 1.137(b) filed 13 July 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now an executed declaration of the inventor. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application has an international filing date of 02 June 2006 under 35 U.S.C. 363 and will be given a date of **13 July 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
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06 MAY 2008

STEFAN KIRCHANSKI
VENABLE LLP
2049 CENTURY PARK EAST
21ST FLOOR
LOS ANGELES CA 90067

In re Application of ABERNATHY
Application No.: 11/916,443
PCT No.: PCT/AU06/00571
Int. Filing: 02 May 2006
Priority Date: 29 April 2005
Attorney Docket No.: 81031-253849
For: A CUTTING BLADE ASSEMBLY FOR A MOWER

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 03 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $155 has been provided. The required petition fee of $770 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 01 May 2008.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

22 JUN 2010

United States Patent and Trademark Office

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

In re Application of	:	
Lin	:	
Application No.: 11/916,446	:	
PCT No.: PCT/GB2006/002190	:	
Int. Filing Date: 15 June 2006	:	DECISION
Priority Date: 17 June 2005	:	
Attorney Docket No.: MARKS30.001APC	:	
For: Restoring Corrupted Audio Signals	:	

This is in response to the "Request For Corrected Filing Receipt" filed on 03 September 2008.

BACKGROUND

This international application was filed on 15 June 2006, claimed an earliest priority date of 17 June 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 21 December 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 17 December 2007. Applicants filed *inter alia* the basic national fee on 03 December 2007.

On 02 May 2008, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "12/03/2007" were mailed to applicant.

DISCUSSION

Applicant requests that the international filing date shown on the Filing Receipt be "corrected" to "06/15/2006." Applicant also requests that priority to certain "Foreign Applications" appear on the Filing Receipt. Review of the record reveals that the international filing date of this international application is 15 June 2006, and that priority to two earlier Great Britain applications was claimed during the international phase and shown in the executed declaration filed on 03 December 2007. As such, it would be appropriate to grant the requested relief. As the Filing Receipt and Notice of Acceptance mailed on 02 May 2008 were defective, both are hereby **VACATED**.

DECISION

The request is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a new Filing Receipt and a new Notice of Acceptance (Form PCT/DO/EO/903) reflecting the changes shown on Applicant's request dated 03 September 2008. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **03 December 2007**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

25 MAR 2009

Commissioner for Patents
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TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 WEST ADAMS STREET
SUITE 3600
CHICAGO IL 60603

In re Application of	:
KRAMER et al.	:
Application No.: 11/916,503	: DECISION ON PETITION
PCT No.: PCT/NZ06/00166	:
Int. Filing: 29 June 2006	:
Priority Date: 01 July 2005	:
Attorney Docket No.: 1171/46987/179-PCT-US	:
For: BREATHING ASSISTANCE APPARATUS WITH A MANIFOLD TO ADD AUXILIARY GASES TO AMBIENT GASES	:

This application is before the PCT Legal Office for consideration of applicant's "Petition to Correct Inventor's Name in a Filed Patent Application", requesting correction of the inventor's name, which was filed on 21 January 2009 in the United States Patent and Trademark Office (USPTO) in the above-captioned application.

Applicant requests the correction of the inventor's name. Applicant explains the error in the inventor's name is a misspelling of the name Friedrich. This is considered a typographical error. See MPEP 201.03. [1]

Applicant indicates that the inventor's correct name is Martin Paul *Friedrich* Kramer rather than Martin Paul *Friederich* Kramer as incorrectly indicated in the international application as the result of a typographical error. Applicants' explanation of the difference in inventor's name is accepted and noted for the record.

For the reasons above, the Request is **GRANTED**. No petition fee is required.

Applicant is advised, however, that the declaration submitted on 21 January 2009 and

[1]Section 201.03 of the Manual of Patent Examining Procedure states where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error to correct the name of the inventor.

executed by Mr. Kramer is not acceptable as it is not in compliance with 37 CFR 1.497(a) and (b). Applicant has not submitted a complete declaration identifying all inventors and providing their respective citizenship, mailing address and residency. It appears that only the first page of the two page declaration was filed. *A complete declaration is required, in compliance with 37 CFR 1.497(a) and (b).* The requirements of 37 CFR 1.497 (a) and (b) have not yet been met and the declaration is unacceptable as filed

The declaration submitted on 11 February 2008 is unacceptable as inventor Kramer's name is misspelled. Because the declaration filed on 11 February 2008 was unacceptable due to the error in the inventor Kramer's name, the Notice of Acceptance mailed on 09 May 2008 was issued in error and is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571) 272-3286
Facsimile: (571) 272-0459

16 JUL 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

In re Application of	:	
HU et al.	:	
Application No.: 11/916,539	:	DECISION ON
PCT No.: PCT/CN2006/000582	:	
Int. Filing Date: 31 March 2006	:	PETITION UNDER
Priority Date: 31 March 2005	:	
Attorney Docket No.: NANJ.4931-NY	:	37 CFR 1.137(b)
For: A CONJUGATE OF BIOMACROMOLECULE	:	
WITH BIOREDUCTIVE AND PREPARATIVE	:	
METHOD THEREOF	:	

This decision is in response to applicant's submission filed 05 December 2007.

BACKGROUND

On 31 March 2006, applicant filed international application PCT/CN2006/000582 which designated the U.S. and claimed a priority date of 31 March 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 October 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 October 2007 (30 September 2007 being a Sunday).

On 05 December 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, an English translation of the international application as filed, a declaration of the inventors, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 05 December 2007.

As to item (2), applicant submitted the petition fee on 05 December 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of the inventors filed 05 December 2007 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) of $65 for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 190513.

Translation

The processing fee under 37 CFR 1.492(i) of $130 for providing an English translation later than thirty months from the earliest priority date has been charged to Deposit Account 190513.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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08 SEP 2009

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In re Application of:	:	
NAKAI, Shinichi, et al.	:	DECISION ON REQUEST TO
U.S. Application No.: 11/916,574	:	CORRECT INVENTOR'S NAME
PCT No.: PCT/JP2006/311703	:	
International Filing Date: 06 June 2006	:	
Priority Date: 07 June 2005	:	
Atty Dkt No.: Q105411	:	
For: METHOD FOR PRODUCING THERMOPLASTIC RESIN FILM	:	

This decision is issued in response to the "Response To Notification Of Missing Requirements" filed 10 July 2009, treated herein as a request to correct the third inventor's name of record. No petition fee is required.

BACKGROUND

On 06 June 2006, applicants filed international application PCT/JP2006/311703. The international application claimed a priority date of 07 June 2005, and it designated the United States. On 14 December 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 07 December 2007.

The published international application identified the third inventor as Takumin SHI.

On 05 December 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an application data sheet (ADS), and an executed declaration. The declaration and the ADS identified the third inventor as Zemin SHI.

On 27 May 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. The Notification indicated that the declaration filed 05 December 2007 was defective based on the inconsistency in the third inventor's name.

On 10 July 2009, applicants filed the response to the Notification Of Missing Requirements considered herein. The submission requests acceptance of the declaration filed 05 December 2007, asserting that the third inventor's name is correct on the declaration and that the inconsistency with the international application is the result of a transliteration error made during the international phase.

DISCUSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following (emphasis added):

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). **However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.**

Here, applicants' present submission indicates that the correct name of the third inventor is that set forth on the declaration (i.e., Zemin SHI) and states that the "inventor's last name is different on the Declaration compared to the published PCT International Application due to a transliteration error in the PCT application." Because the discrepancy in the inventor's name resulted from a transliteration error, a petition under 37 CFR 1.182 is not required to enter the requested correction.

The correct name for the second inventor is accepted as Zemin SHI. In view of this correction, the declaration filed 05 December 2007 is acceptable under 37 CFR 1.497. Because this declaration was filed prior to the expiration of thirty months from the priority date, payment the $130 surcharge for filing the declaration later than thirty months after the priority date (referred to in the Notification Of Missing Requirements) is not required in the present application.

CONCLUSION

Applicants' 10 July 2009 request to correct the error in the third inventor's name of record is **GRANTED**.

The name of record for the third inventor is accepted as **Zemin SHI**, as set forth in the declaration and ADS filed 05 December 2007.

In view of the present correction of the third inventor's name, the declaration filed on 05 December 2007 is acceptable under 37 CFR 1.497.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 05 December 2007.

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11 FEB 2008

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SHIOIRI et al.
Application No.: 11/916,612
PCT No.: PCT/JP2006/313353
Int. Filing Date: 28 June 2006
Priority Date: 28 June 2005
Atty. Docket No.: Q105384
For: DPSK MODULATION/ DEMODULATION METHOD, AND OPTICAL COMMUNICATION DEVICE AND OPTICAL COMMUNICATION SYSTEM USING THE SAME

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.182 to Submit Corrected English Translation of International Application" filed 08 January 2008, which is being treated as a Petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 28 June 2006, applicants filed international application PCT/JP2006/313353 which claimed a priority date of 28 June 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 January 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 28 December 2007.

On 05 December 2007, applicants filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a purported translation of the international application; an executed declaration; and an application data sheet.

On 08 January 2008, applicants filed "Petition under 37 CFR 1.182 to Submit Corrected English Translation of International Application" which included an English translation of the International Application.

DISCUSSION

Applicants state in the present petition that "[o]n December 5, 2007, the applicant submitted an English translation of International Application no. PCT/JP2006/313353. However, upon further review by the Applicant, the Applicant noted that the submission was not identical to the International Application as amended claims were erroneously submitted for entry into the National Stage rather than the claims as originally filed in the International Application." 35 U.S.C. 371(c)(2) requires applicants to submit an English translation of an international application originally filed in a language other than English. The Manual of Patent Examining Procedure §1893.01(d) states that "a translation that includes modification other than changes that have been properly accepted under PCT Rule 26 or 91 is unacceptable." Thus, the purported translation of the international application filed 05 December 2007 is considered defective.

As stated above, applicants have submitted an English translation of the international application as filed. With the filing of the new translation of International application PCT/JP2006/313353 on 08 January 2008, the above-identified application will be given an international filing date of 28 June 2006 under 35 U.S.C. 363, and a date of 08 January 2008 under 35 U.S.C. 371(c)(1), (c)(2), and(c)(4).

Deposit Account No. 19-4880 will be charged a $130.00 processing fee under 37 CFR 492(i) for supplying an English translation later than 30 months from the earliest claim priority date, as authorized.

Further, applicants request that the application retain the filing (or 371(c)) date of 08 December 2007. Since the translation of the international application filed 05 December 2007 was not an identical translation in accordance with 35 U.S.C. 371(c)(2), the 35 U.S.C. 371(c) date will be changed to 08 January 2008.

CONCLUSION

Applicants' request to accept the translation of the international application under 35 U.S.C. 371, filed 08 January 2008, is **GRANTED**.

This application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing and, if appropriate, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of 08 January 2008 under U.S.C. 371 371(c)(1), (c)(2), and(c)(4).

Anthony Smith

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1 4 APR 2008

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In re Application of	:	
Burns	:	
Application No.: 11/916,629	:	
PCT No.: PCT/US2006/020109	:	
Int. Filing Date: 23 May 2006	:	DECISION
Earlier Priority Date: 23 May 2005	:	
Attorney Docket No.: LA-5336-115	:	
For: Display Mounting Apparatus	:	

The petition to revive under 37 CFR 1.137(b) filed on 05 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Inspection of the declaration filed on 05 December 2007 reveals that it is acceptable for the purposes of 37 CFR 1.497(a) and (b). The $65.00 small entity surcharge under 37 CFR 1.492(h) is being charged to Deposit Account 50-0337, per the authority shown on the Electronic Acknowledgement Receipt dated 05 December 2007.

This application is being forwarded to the Office of Patent Application Processing for further processing with a date under 35 U.S.C. 371(c)(1), (2) and (4) of **05 December 2007**.

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16 MAY 2008

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Fay Sharpe LLP
1100 Superior Avenue, Seventh Floor
Cleveland OH 44114

In re Application of :
KEEHAN et al. :
Application No.: 11/916,652 : DECISION ON PETITION
PCT No.: PCT/US05/45397 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 14 December 2005 :
Priority Date: 14 December 2004 :
Attorney Docket No.: ASCU 2 00001 :
For: COMPOSITE WALL STRUCTURE, TANK TRAILER FORMED THEREFROM AND METHOD OF MANUFACTURING SAME :

The petition to revive under 37 CFR 1.137(b) filed 05 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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18 SEP 2008

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In re Application of: DANA
U.S. Application No.: 11/916,659
PCT Application No.: PCT/IL2006/000686
Int. Filing Date: 14 June 2006
Priority Date: 14 June 2005
Atty Docket No.: 119/3
For: FLUID FLOW CONTROLLER

: DECISION

This is in response to applicant's Petition under 37 CFR 1.181, requesting a reduction in official Search and Examination fees, filed 29 May 2008. No petition fee is due.

BACKGROUND

On 14 June 2006, applicant filed international application PCT/IL2006/000686, which claimed priority of an earlier Israeli application filed 14 June 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 21 December 2006. The thirty-month period for paying the basic national fee in the United States expired on 14 December 2007.

On 06 December 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 02 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Insufficient Fees (Form PCT/DO/EO/923), which indicated that additional search and examination fees must be submitted.

On 29 May 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the Notification of Insufficient Fees was sent in error. A review of international application PCT/IL2006/000686 reveals that the international search fee as set forth in 37 CFR 1.445(a)(2) was paid to the United States International Searching Authority

forth in 37 CFR 1.445(a)(2) was paid to the United States International Searching Authority (ISA/US). Accordingly, the small entity national stage search fee for the present application is $50.00 pursuant to 37 CFR 1.492(b)(2), and this fee has been received. With regard to the examination fee, pursuant to 37 CFR 1.492(c), although the written opinion on the international application prepared by the ISA/US states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33(1) to (4) have been satisfied for all of the claims presented in the international application, the claims presented in the application entering the national stage are not identical to the claims presented in the international application by virtue of the preliminary amendment filed 06 December 2007. Accordingly, the $105.00 examination fee set forth in 37 CFR 1.492(c)(2) applies.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED in part.

The portion of the Notification of Insufficient Fees (DO/EO/US) (Form PCT/DO/EO/923) which states that additional search fees are due is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 14 June 2006, and a date under 35 U.S.C. 371(c)(1), and (c)(2), and (c)(4) of 06 December 2007.

The application is being returned to the (DO/EO/US) to await applicant's full and proper reply to the Notification of Insufficient Fees.

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In re Application of:
PERSSON, Malin, et al.
U.S. Application No.: 11/916,674
PCT No.: PCT/EP2006/062920
International Filing Date: 06 June 2006
Priority Date: 06 June 2005
Attorney Docket No.: 7167.204-US
For: STABILISED IL-21 COMPOSITIONS

COMMUNICATION

This decision is issued in response to applicants' 04 March 2008 submission of an executed declaration in which the name of the second inventor has been changed.

BACKGROUND

On 06 June 2006, applicants filed international application PCT/EP2006/062920. The application claimed a priority date of 06 June 2005, and it designated the United States. On 14 December 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 06 December 2007. The published international application identified the second inventor as Jens Thostrup BUKRINSKY.

On 06 December 2007, applicants filed a Transmittal Letter for entry into the national stage in the U.S. accompanied by, among other materials, payment of the basic national fee, and an Application Data Sheet (ADS) that listed the second inventor's name as BUKRINSKY.

On 04 March 2008, applicants filed the "Declaration Transmittal" considered herein. The submission included an executed declaration and the surcharge for filing the declaration later than thirty months after the priority date. The name of the second inventor on the declaration has been corrected on the declaration to BUKRINSKI.

DISCUSSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following (emphasis added):

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is

> different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

In the present application, the discrepancy between the second inventor's name as listed in the international application (BUKRINSKY) and in the filed declaration (BUKRINSKI) appears to be a typographical or transliteration error. If so, as discussed above, no petition is required; however, applicants are required to provide a statement confirming that the correct name of the inventor is BUKRINSKI and that the erroneous listing of the inventor's name in the international application was the result of a typographical or transliteration error. It is also suggested that applicants file a supplemental ADS, to insure that the correct spelling of the inventor's name is listed on the published application (see MPEP section 605.04(c)).

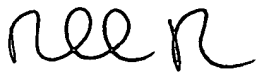
Until applicants submit the required confirmation of the typographical or transliteration error, the name of record for the second inventor remains BUKRINSKY. Because the declaration filed 04 March 2008 identifies the second inventor as BUKRINSKI, the declaration does not, on the present record, properly identify the inventors herein. The declaration is therefore defective for failure to comply with the requirements of 37 CFR 1.497(a).

CONCLUSION

The declaration filed 04 March 2008 is defective for failure to properly identify the inventors of record herein.

Applicants have **TWO (2) MONTHS** from the mail date of the present communication to submit a corrected declaration or a statement confirming that the name of the second inventor is BUKRINSKI, as set forth on the filed declaration, and that the listing of such name as BUKRINSKY in the international application was the result of a typographical or transliteration error (as discussed above). Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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In re Application of	:	
Wenham et al.	:	
Application No.: 11/916,686	:	DECISION
PCT No.: PCT/AU2006/000778	:	
Int. Filing Date: 07 June 2006	:	ON
Priority Date: 07 June 2005	:	
Attorney Docket No.: P/716-4 V6085	:	PETITION
For: Transparent Conductors For Silicon Solar Cells	:	

This is in response to the petition under 37 CFR 1.47(b) filed on 29 September 2008, which is being treated under 37 CFR 1.47(a).

BACKGROUND

This international application was filed on 07 June 2006, claimed an earliest priority date of 07 June 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 14 December 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 07 December 2007. Applicants filed *inter alia* the basic national fee on 06 December 2007.

DISCUSSION

Petitioner alleges that joint inventor Wenham "refuses to sign an Applicant's Declaration." Petitioner requests treatment under 37 CFR 1.47(b) but, pursuant to the policy described at MPEP 409.03(b)[1], the petition is being treated under 37 CFR 1.47(a). A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner has provided a statement signed by Chris Owens, who states that he sent copies of "the specification, and copies of the Declaration..." to Mr. Wenham, on 01 July 2008 and again on 09 July 2008. Mr. Owens has provided copies of the letters, as well as evidence of an explicit refusal by Mr. Wenham. However, petitioner should clarify whether the correspondence sent to Mr. Wenham was accompanied by a complete copy of the application papers, or merely a "specification" (description).

[1] "Where 37 CFR 1.47(a) is available, application cannot be made under 37 CFR 1.47(b)."

Regarding **requirement (3)**, the petition includes a statement of the last known address of the non-signing inventor.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 29 September 2008 reveals that it appears to have been assembled from separate copies of "Page 2" signed by joint inventors Tjahjono and Mai. As explained at MPEP 201.03,

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

Under the policy described at MPEP 201.03, it would not be appropriate to accept the declaration filed on 29 September 2008.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

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10 MAR 2009

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NEW YORK NY 10036-8403

In re Application of	:	
Wenham et al.	:	
Application No.: 11/916,686	:	DECISION
PCT No.: PCT/AU2006/000778	:	
Int. Filing Date: 07 June 2006	:	ON
Priority Date: 07 June 2005	:	
Attorney Docket No.: P/716-4 V6085	:	PETITION
For: Transparent Conductors For Silicon Solar Cells	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 22 December 2008.

DISCUSSION

In a Decision mailed on 24 November 2008, the petition filed on 29 September 2008 was treated under 37 CFR 1.47(a) and dismissed, without prejudice, because

> *Regarding **requirement (2)**, petitioner has provided a statement signed by Chris Owens, who states that he sent copies of "the specification, and copies of the Declaration..." to Mr. Wenham, on 01 July 2008 and again on 09 July 2008. Mr. Owens has provided copies of the letters, as well as evidence of an explicit refusal by Mr. Wenham. However, petitioner should clarify whether the correspondence sent to Mr. Wenham was accompanied by a complete copy of the application papers, or merely a "specification" (description).*
>
> *Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 29 September 2008 reveals that it appears to have been assembled from separate copies of "Page 2" signed by joint inventors Tjahjono and Mai... Under the policy described at MPEP 201.03, it would not be appropriate to accept the declaration filed on 29 September 2008.*

In response, petitioner has provided a "Supplemental Declaration Under 37 C.F.R. § 1.47(a)..." signed by Chris Owens, who clarifies that the "specification" sent to Mr. Wenham in fact "includes the written description, the claims, the drawings and the Abstract." Accordingly, he confirms that "the correspondence sent to Mr. Wenham [by me] was accompanied by a complete copy of the application papers." In view of this clarification, it would now be appropriate to conclude that requirement (2) has been satisfied.

Petitioner has also submitted a declaration which is suitable for purposes of compliance with requirement (4).

DECISION

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

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **22 December 2008**.

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10 MAR 2009

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Stuart Ross Wenham
109 Kyle Road
Kyle Bay, NSW 2221
AUSTRALIA

In re Application of
Wenham et al.
Application No.: 11/916,686
PCT No.: PCT/AU2006/000778
Int. Filing Date: 07 June 2006
Priority Date: 07 June 2005
Attorney Docket No.: P/716-4 V6085
For: Transparent Conductors For
Silicon Solar Cells

Dear Mr. Wenham:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Stuart Ross WENHAM) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/AU2006/000778 and was filed on June 7, 2006 in the names of Stuart Ross WENHAM, Budi TJAHJONO and Ly MAI for the invention entitled TRANSPARENT CONDUCTORS FOR SILICON SOLAR CELLS. The national stage application number is 11/916,686 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of December 22, 2008.

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of:
KANEKO, Hiromasa, et al.
U.S. Application No.: 11/916,689
PCT Application No.: PCT/JP2006/311431
International Filing Date: 07 June 2006
Priority Date: 08 June 2005
Attorney's Docket No.: Q105219
For: USER VOICE MIXING DEVICE, VIRTUAL SPACE SHARING SYSTEM, COMPUTER CONTROL METHOD, AND INFORMATION STORAGE MEDIUM

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 11 March 2008. Applicant has submitted the required $400 petition fee.

BACKGROUND

On 07 June 2006, applicants filed international application PCT/JP2006/311431. The international application claimed a priority date of 08 June 2005, and it designated the United States. On 14 December 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 08 December 2007.

On 06 December 2007, applicants filed papers to initiate a U.S. national stage application using the EFS-Web electronic filing system. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), an English translation of the international application, an executed declaration, an application data sheet (ADS), and payment of the basic national fee.

The documents filed, including the Transmittal Letter, ADS, and declaration, specifically identified the international application number as PCT/JP2006/311431. However, as part of the bibliographic information provided during the electronic filing process, applicants identified the international application number as PCT/JP2006/311441.

On 11 March 2008, applicants filed the petition considered herein to correct the error in the international application number identified during the electronic filing of the present national stage application. The petition also requests a refund of the petition fee.

DISCUSSION

As set forth above, the data entered by applicants during the electronic filing process incorrectly identified the international application to which the present national stage filing was directed. Correction of this error is required before the materials filed 06 December 2007 can be treated as having been directed to international application PCT/JP2006/311431, as necessary to avoid abandonment of this international application with respect to the United States.[1]

In the present petition, applicants confirm that the identification of international application PCT/JP2006/311441 during the electronic filing process was the result of a typographical error and that the correct international application herein is PCT/JP2006/311431. A review of the filed materials confirms that the correct international application number was indicated thereon (for example, on the Transmittal Letter, the ADS, and the declaration). Finally, applicants have provided the required petition fee.

The present submission satisfies the requirements for a grantable petition to correct the inadvertent error in the international application number identified during the electronic filing process. Accordingly, the materials filed herein on 06 December 2007 will be treated as having been directed to international application PCT/JP2006/311431.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The materials filed herein on 06 December 2007 will be treated as the U.S. national stage of PCT/JP2006/311431.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 December 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

[1] Because correction of applicants' error is required to avoid abandonment, and such correction requires a petition under 37 CFR 1.182, a refund of the petition fee required for a grantable petition under 37 CFR 1.182, as requested, is not appropriate.

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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of
MURATOGLU, Orhun K. et al.
Application No. 11/916,703
Filed: January 18, 2008
Attorney Docket No. **00952-8179**

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 25, 2010

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.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

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: **MASSACHUSETTS GENERAL HOSPITAL**
THE GENERAL HOSPITAL CORPORATION
PERKINS COLE LLP
607 FOURTEENTH STREET, NW
WASHINGTON, DC 20005

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CHOATE, HALL & STEWART/HARVARD UNIVERSITY
Two International Place
Boston, MA 02110

MAILED

JUL 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
D. Liu, et al.	:	
Application No. 11/916,706	:	DECISION ON PETITION
Filed: December 8, 2008	:	TO WITHDRAW
Attorney Docket No. ENS-009	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed June 9, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Choate, Hall & Stewart/Harvard University does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **GOODWIN PROCTER LLP**
Patent Administrator
53 State Street
Exchange Place
Boston, MA 02109-2881

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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SNELL & WILMER L.L.P. (Panasonic)
600 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626

Mail Date: 04/21/2010

Applicant	: Masaru Ikeda	: DECISION ON REQUEST FOR
Patent Number	: 7667413	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/916,712	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **262** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

14 MAR 2008

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POLSTER, LIEDER, WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE SUITE 200
ST. LOUIS MO 63131-3615

In re Application of: KAIPING, James C.
Application No.: 11/916,732
PCT No.: PCT/US06/09644
Int. Filing Date: 16 March 2006
Priority Date: 16 March 2005
Attorney Docket No.: KAIJ 9572W1
For: SHEET FEEDER

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 06 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

18 JUN 2010

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North Star Intellectual Property Law, PC
P.O. Box 34688
Washington DC 20043

In re Application of	:	
Park et al.	:	
Application No.: 11/916,736	:	
PCT No.: PCT/KR2005/001888	:	
Int. Filing Date: 17 June 2005	:	DECISION
Priority Date: 08 June 2005	:	
Attorney Docket No.: LSC.2124.0005	:	
For: Halogen-Free Flame Retardant Composition For Cable Covering Material And Cable For Railway...	:	

This is in response to the "Request For Corrected Filing Receipt" filed on 15 December 2009.

BACKGROUND

This international application was filed on 17 June 2005, claimed an earliest priority date of 08 June 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 14 December 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 08 December 2007. Applicants filed *inter alia* the basic national fee on 06 December 2007.

On 10 October 2008, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "05/13/2008" were mailed to applicants.

DISCUSSION

Applicants request that the "Filing Date" be "corrected to 12/06/2007." Review of the record reveals that the declaration filed on 06 December 2007 was not signed by the inventors. The declaration filed on 13 May 2008 was compliant with 37 CFR 1.497(a) and (b); accordingly, 35 U.S.C. 371(c)(4) was satisfied on that date. Therefore, the date of this application under 35 U.S.C. 371(c)(1), (2) and (4)(and consequently the "Filing or 371(c) Date" to be shown on the Filing Receipt) is 13 May 2008. The conflicting Filing Receipt issued on 28 April 2010 is hereby **VACATED**.

DECISION

The request is **DISMISSED**, without prejudice.

No response to this Decision is required. If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a new Filing Receipt showing the inventor's city as "Anyang-si," and reflecting the correct 35 U.S.C. 371(c)(1), (2) and (4) date of **13 May 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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08 MAY 2008

WALKER & JOCKE, L.P.A.
231 SOUTH BROADWAY STREET
MEDINA OH 44256

In re Application of
WINKELMANN (Deceased) et al.
Application No.: 11/916,743
PCT No.: PCT/EP06/05395
Int. Filing Date: 14 June 2006
Priority Date: 21 June 2005
Attorney Docket no.: Becker-129 US
For: STOPPER FOR A METALLURGICAL MELTING POT

DECISION ON

REQUEST

UNDER 37 CFR 1.42

This is a decision on applicant's declaration filed in the United States Patent and Trademark Office (USPTO) on 06 December 2007 treated as a request under 37 CFR 1.42.

BACKGROUND

On 06 December 2007, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee and declaration of the inventors, identifying co-inventor Erika Winkelmann, as the legal representative of deceased inventor Manfred Winkelmann.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.

The declaration does not indicate the citizenship, residency and mailing address of the legal representative and thus, the declaration is defective under 37 CFR 1.497(b)(2). The declaration must state the relationship and state the country of citizenship, former residency and mailing address for *both* the deceased inventor and the legal representative, to meet the requirements for compliance with 37 CFR 1.497(a) and (b).

What is required is a declaration executed by Erika Winkelmann, which identifies her as legal representative for deceased inventor Manfred Winkelmann and must provide the legal

representative's citizenship, residency and mailing address and identify the deceased inventor, providing his citizenship, former residency and mailing address on the declaration. The declaration must also identify all the joint inventors. Any person acting as a legal representative of a deceased or incapacitated inventor should ensure that he is properly acting in such capacity.

Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE**.

Applicant is required to correct the above-noted defects including the furnishing of a oath/declaration in compliance with 37 CFR 1.42 and 1.497 within TWO (2) MONTHS from the mail date of this Decision.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

19 SEP 2008

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WALKER & JOCKE, L.P.A.
231 SOUTH BROADWAY STREET
MEDINA OH 44256

In re Application of	:	
WINKELMANN (Deceased) et al.	:	DECISION ON
Application No.: 11/916,743	:	
PCT No.: PCT/EP06/05395	:	REQUEST
Int. Filing Date: 14 June 2006	:	
Priority Date: 21 June 2005	:	UNDER 37 CFR 1.42
Attorney Docket no.: Becker-129 US	:	
For: STOPPER FOR A METALLURGICAL MELTING POT	:	

This is a decision on applicant's declaration filed in the United States Patent and Trademark Office (USPTO) on 09 June 2008 treated as a request under 37 CFR 1.42.

BACKGROUND

On 06 December 2007, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee and declaration of the inventors, identifying co-inventor Erika Winkelmann, as the legal representative of deceased inventor Manfred Winkelmann.

On 08 May 2008, a decision was mailed indicating that the declaration submitted did not indicate the citizenship, residency and mailing address of the legal representative and thus, the declaration was defective under 37 CFR 1.497(b)(2).

On 09 June 2008, applicant filed a renewed petition under 37 CFR 1.42 along with a newly executed declaration.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.

The declaration submitted on 09 June 2008 is executed by Erika Winkelmann, which

identifies her as legal representative for deceased inventor Manfred Winkelmann and provides the legal representative's citizenship, residency and mailing address and identifies the deceased inventor, his citizenship, former residency and mailing address on the declaration. Thus, the declaration is acceptable under 37 CFR 1.497(b)(2).

Accordingly, it is now appropriate to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 09 June 2008.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

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09 SEP 2009

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of:
TOYOHARA, Yuichiro, et al.
U.S. Application No.: 11/916,774
PCT No.: PCT/JP2006/318556
International Filing Date: 13 September 2006
Priority Date: 13 September 2005
Attorney Docket No.: 00684.124828
For: IMAGE FORMATION SYSTEM, IMAGE FORMATION METHOD, AND IMAGE QUALITY IMPROVEMENT METHOD

DECISION ON PETITION TO CHANGE INVENTOR'S NAME (37 CFR 1.182)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.182" filed 03 August 2009. Applicants have submitted the required $400 petition fee.

BACKGROUND

On 13 September 2006, applicants filed international application PCT/JP2006/318556. The application claimed a priority date of 13 September 2005, and it designated the United States. On 22 March 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 13 March 2008. The published international application identified the third inventor as Jiro ISHIZUKA.

On 06 December 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an executed declaration, and an application data sheet (ADS). The declaration and the ADS both identified the third inventor as Jiro ISHIDUKA.

On 01 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 03 August 2009, applicants filed a response to the Notification Of Missing Requirements that included the "Petition Under 37 CFR 1.182" considered herein. The petition requests a change in the third inventor's name of record from Jiro ISHIZUKA to Jro

ISHIDUKA, the name by which this inventor is identified in the declaration and ADS filed 06 December 2007.

DISCUSSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

The present petition indicates that the name of the third inventor has changed since the filing of the international application. In order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required.

Section 605.04(c) of the MPEP, referred to above, sets forth the requirements for a petition under 37 CFR 1.182 to correct an inventor's name. According to the MPEP, such a petition "must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order."

Applicants' present petition is accompanied by payment of the required $400 petition fee and a "Declaration of Jiro ISHIDUKA" in which the inventor confirms that, as a result of a legal name change, his name was legally changed from Jiro ISHIZUKA to Jiro ISHIDUKA. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the name of record for this inventor from Jiro ISHIZUKA to Jiro ISHIDUKA.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Jiro ISHIZUKA to Jiro ISHIDUKA is **GRANTED**. Based on this correction, the declaration filed on 06 December 2007 is acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 December 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

United States Patent and Trademark Office

0 4 DEC 2008

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

In re Application of :
Furnemont :
Application No. 11/916,796 :
PCT No.: PCT/EP2006/062944 :
Int. Filing Date: 06 June 2006 : DECISION
Priority Date: 03 June 2005 :
Att. Docket No.: 05-632-WO-US :
For: Method For Extracting The Distribution Of :
Charge Stored In A Semiconductor Device :

The petition to revive under 37 CFR 1.137(b) filed on 06 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

12 JUN 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

ELI LILLY & COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS IN 46206-6288

In re Application of	:	
BRANDT, et al.	:	
U.S. Application No.: 11/916,817	:	
PCT No.: PCT/US06/23006	:	
Int. Filing Date: 13 June 2006	:	COMMUNICATION
Priority Date: 17 June 2005	:	
Attorney Docket No.: X17171	:	
For: DOSAGE REGIMEN FOR PRASUGREL	:	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

BACKGROUND

On 13 June 2006, applicant filed international application PCT/US06/23006, which claimed priority of an earlier application filed 17 June 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 17 December 2007.

On 07 December 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by payment of the full, U.S. basic national fee; an executed declaration and power of attorney; an Information Disclosure Statement and a Preliminary amendment.

DISCUSSION

Applicant is advised that the declaration filed 07 December 2007 is not in compliance with 37 CFR 1.497(a). Specifically, it lists an inventor, Richard Duane Johnston who does not appear on the published international application. On one of the declarations has Mr. Johnston's name and information crossed out and the words "Error in Declaration, not an inventor for this application." However, no information has been provided for when this alternation took place and the alteration has not been initialed. (See Manual of Patent Examining Procedure (MPEP) section 605.04(a)). In addition, the declaration executed by inventor Payne does not contain the alteration. Thus, the two declarations are in conflict as to the inventive entity of the application which must be identified on the declaration (37 CFR 1.497)(a)(3)).

CONCLUSION

The combined declaration and power of attorney filed 07 December 2007 fails to satisfy the 35 U.S.C. 371 (c)(4) requirement.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed, compliant oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/916,840	01/17/2008	Arturo Morgandi	43603-015	9915

EXAMINER

ART UNIT	PAPER NUMBER
2876	

MAIL DATE	DELIVERY MODE
03/12/2009	PAPER

7590 03/12/2009

HUSCH BLACKWELL SANDERS LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS, MO 63105-3441

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/916,840	01/17/2008	Arturo Morgandi	43603-015	9915

7590 03/11/2009

HUSCH BLACKWELL SANDERS LLP
190 CARONDELET PLAZA
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EXAMINER	

ART UNIT	PAPER NUMBER
2876	

MAIL DATE	DELIVERY MODE
03/11/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Tom Farmer

Patent Publication Branch
Office of Data Management

United States Patent and Trademark Office

17 MAR 2008

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	
Jansson et al.	:	
Application No. 11/916,926	:	
PCT No.: PCT/SE2005/000872	:	
Int. Filing Date: 09 June 2005	:	DECISION
Priority Date: N/A	:	
Atty. Docket No.: 07831/LH	:	
For: Pneumatic Vane Motor With By-Pass Means	:	

This is in response to the "Proof of Name Change of Inventor" filed on 20 February 2008.

BACKGROUND

This international application was filed on 09 June 2005, claimed no earlier priority date, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 14 December 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 09 December 2007. Applicants filed, *inter alia*, the basic national fee on 07 December 2007.

DISCUSSION

Inspection of the declaration filed on 07 December 2007 reveals that it nominates "Anders Urban NELSON" in place of "JANSSON, Anders, Urban" named in the published international application. Counsel states that the "family name of the inventor, Anders Urban NELSON was changed from JANSSON to NELSON by virtue of marriage on February 27, 2007." MPEP 605.04(b) states in part that

> *Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.*

Since the change described above represents more than a mere typographic error or phonetic misspelling of applicant's name, a petition (and fee) under 37 CFR 1.182 is required. *See also* MPEP MPEP § 201.03(b). In the absence of such a petition, it would not be appropriate to accept the declaration at this time.

CONCLUSION

The declaration is **NOT ACCEPTED**, without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

0 9 JUN 2008

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	
Nelson	:	
Application No. 11/916,926	:	
PCT No.: PCT/SE2005/000872	:	
Int. Filing Date: 09 June 2005	:	DECISION
Priority Date: N/A	:	
Atty. Docket No.: 07831/LH	:	
For: Pneumatic Vane Motor With By-Pass Means	:	

This is in response to the petition under 37 CFR 1.182 filed on 29 April 2008, a copy of which was filed on 30 April 2008.

DISCUSSION

In a Decision mailed on 17 March 2008, the declaration filed on 07 December 2007 was not accepted, without prejudice, because it nominates "Anders Urban NELSON" in place of "JANSSON, Anders, Urban" named in the published international application. Counsel was advised that, since the change described above represents more than a mere typographic error or phonetic misspelling of applicant's name, a petition (and fee) under 37 CFR 1.182 was required.

The instant petition under 37 CFR 1.182 attributes the name discrepancy to a name change due to marriage, and provides a "Statement of Name Change of Inventor" signed by Anders Urban Nelson. This Statement indicates, in part, that

> *I, Anders Urban NELSON, am the same person that is named as the applicant of PCT Application No. PCT/SE2005/000872. At the time said PCT application was filed, my name was Anders Urban JANSSON. However, by virtue of marriage on February 27, 2007, my name was changed to Anders Urban NELSON. Therefore, the present U.S. application is being filed in the name of Anders Urban NELSON.*
>
> *I confirm that Anders Urban NELSON is the same person as Anders Urban JANSSON, in whose name said International Application No. PCT/SE2005/000872 was filed.*

In view of the totality of the evidence now of record, including this statement, it would be appropriate to accept the inventor's name as Anders Urban Nelson on the declaration document. *See* MPEP 605.04(c).

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The declaration filed on 07 December 2007 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **07 December 2007**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
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22 MAY 2008

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36067
DALINA LAW GROUP, P.C.
7910 Ivanhoe Ave., #325
La Jolla, CA 92037

In re Application of
ABBATE *et al*
U.S. Application No.: 11/916,965
PCT No.: PCT/AU2006/000599
Int. Filing Date: 8 May 2006
Priority Date: 6 May 2005
Attorney Docket No.: 1075-P0007
For: VALVE FOR A BLADDER

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 07 December 2007 is hereby **GRANTED** as follows:

The basic national fee and petition fee for a small entity have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted.

This application is being forwarded to the Office of Patent Application Processing for further processing including mailing of a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) to obtain the surcharge fee for pursuant to 37 CFR 1.492(h).

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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

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OCT 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Hill et al.	:	DECISION ON PETITION
Application No. 11/916,966	:	TO WITHDRAW
Filed: December 7, 2007	:	FROM RECORD
Attorney Docket No. BJSC.036U	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 23, 2008.

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

A review of the file record indicates that on September 24, 2009 the power of attorney to Howrey LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Zarian Midgley & Johnson PLLC
University Plaza
960 Broadway Ave., Suite 250
Boise ID 83706

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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

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OFFICE OF PETITIONS

In re Application of
Donald E. Scott
Application No. 11/917,015
Filed: December 10, 2007
Attorney Docket No. DONS-06US

ON PETITION

This is a decision on the communication, filed October 9, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed April 2, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on October 5, 2009. In response, on October 9, 2009, the present petition was filed wherein petitioner asserts that a reply was timely filed.

A review of the record confirms petitioner is correct. In view of the filing of an appropriate request for extension of time and fee on October 2, 2009, the response period of July 2, 2009 was properly extended. Accordingly, no abandonment existed on October 2, 2009, the date upon which the amendment was filed.

The holding of abandonment for failure to timely file a response to the Office communication of April 2, 2009 is withdrawn and the application is restored to pending status.

The Notice of Abandonment mailed October 5, 2009 is hereby vacated.

This application is being referred to Technology Center AU 1655 for appropriate action in the normal course of business on the reply received October 2, 2009.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/917,026	12/10/2007	Shigeki Suzuki	Q104871	1663

23373 7590 03/24/2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
LEA, CHRISTOPHER RAYMOND	
ART UNIT	**PAPER NUMBER**
1619	

NOTIFICATION DATE	DELIVERY MODE
03/24/2010	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAR 2 4 2010

In re Application of
SUZUKI, SHIGEKI
Application No. 11/917,026
Filed: December 10, 2007
Attorney Docket No. Q104871

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 21, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

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

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

17 MAR 2009

United States Patent and Trademark Office

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

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

In re Application of :
Komiya et al. :
Application No. 11/917,060 :
PCT No.: PCT/JP2006/311556 :
Int. Filing Date: 08 June 2006 : DECISION
Priority Date: 09 June 2005 :
Atty. Docket No.: 318886US0PCT :
For: Novel Packing Material With Excellent Hydrophilicity And Process For Producing.. :

This is in response to the declaration of the inventors filed on 10 December 2007, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 08 June 2006, claimed an earlier priority date of 09 June 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 14 December 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 10 December 2007 (since 09 December 2007 was a Sunday). Applicants filed, *inter alia*, the basic national fee on 10 December 2007.

DISCUSSION

Review of the "Declaration Under Rule 42" filed on 10 December 2007 reveals that it indicates joint inventor Masazumi Hasegawa to be "deceased." 37 CFR 1.42 provides in part 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.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing 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.

The declaration is signed by Sanae Hasegawa on behalf of Masazumi Hasegawa in the capacity of "legal representative." The declaration lists a citizenship of Japan. However, 37 CFR 1.497(b)(2) requires that the declaration provide the citizenship of the deceased inventor, as well as the citizenship, residence and postal address of the legal representative. Since the declaration filed on 10 December 2007 does not provide all of this information, it would not be appropriate to accept it under 37 CFR 1.42.

It is also noted that the declaration does not appear to be accompanied by the statement required by 37 CFR 1.69(b).

DECISION

The declaration is **NOT ACCEPTED** under 37 CFR 1.42, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

7 JUL 2009

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MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
Komiya et al. :
Application No. 11/917,060 :
PCT No.: PCT/JP2006/311556 :
Int. Filing Date: 08 June 2006 : DECISION
Priority Date: 09 June 2005 :
Atty. Docket No.: 318886US0PCT :
For: Novel Packing Material With Excellent Hydrophilicity And Process For Producing.. :

This is in response to the renewed submission under 37 CFR 1.42 filed on 14 May 2009.

DISCUSSION

In a Decision mailed on 17 March 2009, the declaration filed on 10 December 2007 was not accepted under 37 CFR 1.42, without prejudice, because

> The declaration is signed by Sanae Hasegawa on behalf of Masazumi Hasegawa in the capacity of "legal representative." The declaration lists a citizenship of Japan. However, 37 CFR 1.497(b)(2) requires that the declaration provide the citizenship of the deceased inventor, as well as the citizenship, residence and postal address of the legal representative. Since the declaration filed on 10 December 2007 does not provide all of this information, it would not be appropriate to accept it under 37 CFR 1.42.
>
> It is also noted that the declaration does not appear to be accompanied by the statement required by 37 CFR 1.69(b).

In response, applicants have filed a new declaration document which is acceptable under 37 CFR 1.42 and 37 CFR 1.497(a) and (b). It is accompanied by the statement required under 37 CFR 1.69(b).

DECISION

The declaration filed on 14 May 2009 is **ACCEPTED** under 37 CFR 1.42.

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **14 May 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/917,098	07/15/2008	Heinrich Kugelmann	029310.59764US	2215

EXAMINER

7590 11/18/2009

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

ART UNIT	PAPER NUMBER
3763	

MAIL DATE	DELIVERY MODE
11/18/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 23 2008

OFFICE OF PETITIONS

In re Application of
Eisenhardt, et al.
Application No. 11/917,107
Filed: January 11, 2008
Attorney Docket No. 318676US0PCT

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed August 29, 2008, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors as set forth in the petition. The Supplemental Information Data Sheet has not been utilized as it has not been signed, as required per 37 CFR 1.33(b).. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 3672 for examination in due course.

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

Alesia M. Brown
Petitions Attorney
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
11/917,107	01/11/2008	3672	1060	318676US0PCT	11	2

CONFIRMATION NO. 2303

CORRECTED FILING RECEIPT

22850
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

OC000000032175412

Date Mailed: 09/19/2008

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)

Andrea Eisenhardt, Vechta, GERMANY;
Marcus Leberfinger, Georgsmarienhutte, GERMANY;
Joachim Roser, Mannheim, GERMANY;

Assignment For Published Patent Application

BASF Aktiengesellschaft, Ludwigshafen, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 22850

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP2006/063242 06/14/2006

Foreign Applications

GERMANY 10 2005 027 551.6 06/14/2005

If Required, Foreign Filing License Granted: 05/22/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/917,107**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method for Stabilising and Securing Rivers, Slopes and Embankments and Contructions Which can be at Least Partially Displaced in Water, by Composite Material Made From Mineral Particles and an Epoxy Resin

Preliminary Class

405

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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PEPPER HAMILTON LLP
400 BERWYN PARK
899 CASSATT ROAD
BERWYN PA 19312-1183

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DEC 0 9 2009

OFFICE OF PETITIONS

Applicant: Bjore, et al.
Appl. No.: 11/917,195
International Filing Date: June 12, 2006
Title: NEW COMPOUNDS FOR THE TREATMENT OF CARDIAC ARRHYTHMIAS
Attorney Docket: 133087.24901 102123-1P US
Pub. No.: 2009/0054422 A1
Pub. Date: February 26, 2009

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on March 12, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in optical character recognition in a number claims.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." 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 superscripts in Claims 1, 41, 43, 44, 46, 49 and 50, may be Office errors, but the errors are not material errors in accordance with 37 CFR 1.221(b). The errors, which are due to faulty optical character recognition are, in this case, not Office error. The errors are due to the quality and size of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit...electronic capture by use of digital imaging and optical character recognition". As set forth at MPEP 1121, "applications with poor quality text, which may acceptable for scanning and examination

[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).

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 (a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.22(b).

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

Inquiries relating to this matter may be directed to 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

24 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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H.T. Than
The H.T. Than Law Group
Waterfront Center
1010 Wisconsin Avenue, NW
Suite 560
Washington, D.C. 20007

In re Application of	:	
Stephan, et al.	:	
Application No.: 11/917,231	:	
PCT No.: PCT/US2006/022842	:	
Int. Filing Date: 12 June 2006	:	
Priority Date: 13 June 2005	:	DECISION
Attorney's Docket No.: BIC-054	:	
For: HYDROGEN GENERATING FUEL CELL CARTRIDGES	:	

This is in response to applicant's request to refund $310, filed 17 July 2008. Applicant urges that the extra fees were charged in error.

BACKGROUND

On 12 June 2006, applicants filed international application PCT/US2006/022842 which claimed priority to United States provisional application which was filed 13 June 2005. Accordingly, the thirty-month period for paying the basic national fee in the national stage in the United States expires at midnight on 13 December 2007.

On 12 December 2007, applicant filed a transmittal letter including, *inter alia*, authorization to charge the applicant's credit card $760 which included the basic national fee and extra claim fees, along authorization to charge applicant's deposit account #50-1980 any additional fees that may be required. These papers were assigned U.S. application number 11/917,231.

On 12 December 2007, the United States Patent and Trademark Office charged applicant's credit card account the basic national fee of $310, along with the extra claim fees of $450. On 12 May 2008, the United States Patent and Trademark Office charged applicant's deposit account an additional $310 which included the search fee of $100 and the examination fee of $210.

On 17 July 2008, applicant filed the current request for refund indicating that the fees charged on 12 May 2008 were charged in error.

DISCUSSION

As indicated above, the transmittal letter (Form PTO-1390) included a general authorization to charge "any additional fees that may be required." At the time of filing of the national stage application, the proper search and examination fees were charged since the International Search Report (Form PCT/ISA/210) and the Written Opinion of the International Searching Authority (Form PCT/ISA/237) had not been issued. However, after issuance of these documents indicating that all of the claims meet the requirements of PCT Rule 33(2)-(4), the search fee ($100) and the examination fee ($210) is hereby refunded.

CONCLUSION

For the above reasons, the request for refund is **GRANTED**.

The $100 search fee and the $210 examination fee have been refunded to applicant's deposit account number **50-1980**.

The application has an international filing date under 35 U.S.C. 363 of 12 June 2006 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 12 December 2007.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Debra S. Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Telephone: (571) 272-3280
Facsimile: (571) 273-0419

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE 19 AUG 2008

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H.T. Than
The H.T. Than Law Group
Waterfront Center
1010 Wisconsin Avenue, NW
Suite 560
Washington, D.C. 20007

In re Application of :
Sgroi, et al. :
Application No.: 11/917,234 :
PCT No.: PCT/US2006/023024 :
Int. Filing Date: 12 June 2006 :
Priority Date: 13 June 2005 : DECISION
Attorney's Docket No.: BIC-068.US :
For: FUELS FOR HYDROGEN GENERATING :
CARTRIDGES :

This is in response to applicant's request to refund $410, filed 17 July 2008. Applicant urges that the extra fees were charged in error.

BACKGROUND

On 12 June 2006, applicants filed international application PCT/US2006/023024 which claimed priority to United States provisional application which was filed 13 June 2005. Accordingly, the thirty-month period for paying the basic national fee in the national stage in the United States expires at midnight on 13 December 2007.

On 12 December 2007, applicant filed a transmittal letter including, *inter alia*, authorization to charge the applicant's credit card $970 which included the basic national fee, the search fee, the examination fee, and extra claim fees, along authorization to charge applicant's deposit account #50-1980 any additional fees that may be required. These papers were assigned U.S. application number 11/917,234.

On 12 December 2007, the United States Patent and Trademark Office charged applicant's credit card account the basic national fee of $310, the search fee of $100, the examination fee of $210 and the extra claim fees of $350. On 22 May 2008, the United States Patent and Trademark Office charged applicant's deposit account an additional $410.

On 17 July 2008, applicant filed the current request for refund indicating that the fees charged on 22 May 2008 were charged in error.

DISCUSSION

Applicant's paid the international search fee to the USPTO. Therefore, the search fee for the national stage should be $100, not $410. The fee of $410 charged to applicant's deposit account on 22 May 2008 was charged in error.

CONCLUSION

For the above reasons, the request for refund is **GRANTED**.

The $410 search fee has been refunded to applicant's deposit account number **50-1980**.

The application has an international filing date under 35 U.S.C. 363 of 12 June 2006 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 July 2008.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Debra S. Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Telephone: (571) 272-3280
Facsimile: (571) 273-0419

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of
Luca Toncelli :
Application No. 11/917,251 : DECISION ON
Filed: December 12, 2007 : PETITION
Attorney Docket No. SAIC 23.319 :

This is in response to the petition to revive under 37 CFR 1.137(a), filed August 18, 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(a)". Extensions of time under 37 CFR 1.136(a) are permitted.

The above-identified application became abandoned for failure to timely file a proper reply to the non-final Office action mailed January 30, 2009. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on May 1, 2009. The mailing of this decision precedes the mailing of a Notice of Abandonment.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the 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). The instant petition has not satisfied requirement (3).

Petitioner has not provided a showing that the entire delay was unavoidable.

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
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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

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OCT 30 2009

OFFICE OF PETITIONS

In re Application of
Luca Toncelli :
Application No. 11/917,251 : DECISION ON
Filed: December 12, 2007 : PETITION
Attorney Docket No. SAIC 23.319 :

This is in response to the petition to revive under 37 CFR 1.137(b), filed October 9, 2009.

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

The above-identified application became abandoned for failure to timely file a proper reply to the non-final Office action mailed January 30, 2009. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on May 1, 2009. Applicant filed a petition to revive under 37 CFR 1.137(a) on August 18, 2009. However, the petition was dismissed in a decision mailed on September 28, 2009.

With the instant petition, petitioner made the proper statement of unintentional delay. The required reply in the form of an Amendment, together with the petition fee, was previously filed on August 18, 2009.

The application is being forwarded to Group Art Unit 1791 for consideration of the Amendment, filed August 18, 2009.

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

13 MAY 2008

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

LEXYOUME IP GROUP, LLC
1233 TWENTIETH STREET, N.W.
SUITE 701
WASHINGTON DC 20036

In re Application of CHO et al.	:	
Application No.: 11/917,263	:	
PCT No.: PCT/KR05/02125	:	DECISION ON
Int. Filing: 05 July 2005	:	
Priority Date: 05 July 2004	:	PETITION TO REVIVE
Attorney Docket No.: LPP20071669US	:	
For: THE METHOD FOR SELECTING HIGHLY SPECIFIC PROBES FOR HPV GENOTYPE ANALYSIS AND THE PROBES THEREOF	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 12 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $155 has been provided. The required petition fee of $770 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **12December 2007.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP
333 BRIDGE STREET, NW
P.O. BOX 352
GRAND RAPIDS MI 49501-0352

MAILED

APR 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Norman R. Byrne	:	
Application No. 11/917,264	:	DECISION ON PETITION
Filed: December 12, 2007	:	
Attorney Docket No. BYRNE P257US1-DCA	:	

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**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 16, 2009, as required by the Notice of Allowance and Fee(s) Due mailed September 16, 2009. Accordingly, the date of abandonment of this application is December 17, 2009. A Notice of Abandonment was mailed January 4, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00 and publication fee of $300.00; (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the 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.

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

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

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

Date Mailed: September 30, 2008

DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

Applicant: Mitra et al.
Appl. No.: 11/917,269
Filing Date: February 29, 2008
Title: NOVEL ANTICANCER AGENT, METHODS FOR OBTAINING THE SAME AND PHARMACEUTICAL COMPOSITIONS THEREOF
Attorney Docket No.: 21133/0208692-US0
Pub. No.: US 2008/0199550 A1
Pub. Date: August 21, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on September 29, 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: 10/01/2008 KKING1
09730/2008 INTEFSW 00005241 040100 11917269
01 FC:1504 300.00 CR

17 JUL 2008

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www.uspto.gov

BOHAN MATHERS
PO BOX 17707
PORTLAND ME 04112-8707

In re Application of	:	
SCHULZ	:	
Application No.: 11/917,289	:	DECISION ON
PCT No.: PCT/DE2006/000226	:	
Int. Filing Date: 10 February 2006	:	PETITION UNDER
Priority Date: 22 March 2005	:	
Attorney Docket No.: 07-113	:	37 CFR 1.137(b)
For: HORIZONTAL FILTER WELL SYSTEM	:	
AND METHOD OF OPERATING SAME	:	

This decision is in response to applicant's submission filed 12 December 2007.

BACKGROUND

On 10 February 2006, applicant filed international application PCT/DE2006/000226 which designated the U.S. and claimed a priority date of 22 March 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 28 September 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 September 2007 (22 September 2007 being a Saturday).

On 12 December 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, an English translation of the international application as filed, a declaration of the inventor, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 12 December 2007.

As to item (2), applicant submitted the petition fee on 12 December 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventor

The declaration of the inventor filed 12 December 2007 is not in compliance with 37 CFR 1.497(a)-(b). Mr. Schulz is identified as Wilhelm Schulz in the international application and Wilhelm Felix Schulz in the declaration of the inventor. Because this difference in names is more than a mere typographical error or a phonetic misspelling of applicant's legal name, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of $400 as well as a statement from the inventor. This statement should set forth that he is a joint inventor of the subject matter of the present application and should set forth the circumstances surrounding the difference in names on the international application and the declaration.

Fees

The surcharge under 37 CFR 1.492(h) of $65 for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 501517.

The processing fee under 37 CFR 1.492(i) of $130 for providing an English translation later than thirty months from the earliest priority date has been charged to Deposit Account 501517.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. A proper response would include either a new declaration in compliance with 37 CFR 1.497(a)-(b) naming Mr. Schulz as he is named in the international application and signed by him, or a petition under 37 CFR 1.182 as discussed above. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

07 OCT 2008

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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BOHAN MATHERS
PO BOX 17707
PORTLAND ME 04112-8707

In re Application of	:	
SCHULZ	:	
Application No.: 11/917,289	:	SUPPLEMENTAL
PCT No.: PCT/DE2006/000226	:	
Int. Filing Date: 10 February 2006	:	DECISION
Priority Date: 22 March 2005	:	
Attorney Docket No.: 07-113	:	
For: HORIZONTAL FILTER WELL SYSTEM	:	
AND METHOD OF OPERATING SAME	:	

This decision is supplemental to the decision mailed 17 July 2008.

That decision granted applicant's petition under 37 CFR 1.137(b). The decision also indicated that the declaration of the inventor filed 12 December 2007 was not in compliance with 37 CFR 1.497(a)-(b) because Mr. Schulz was identified as Wilhelm Schulz in the international application and as Wilhelm Felix Schulz in the declaration of the inventor. The CONCLUSION section of that decision indicated that applicant was required to file either a new declaration in compliance with 37 CFR 1.497(a)-(b) naming Mr. Schulz as he is named in the international application and signed by him, or a petition under 37 CFR 1.182 including a statement from Mr. Schulz indicating that he is the inventor of the subject matter of the present application and setting forth the circumstances surrounding the difference in names, within two (2) months of the mailing date of the decision. Extensions of time under 37 CFR 1.136(a) were permitted.

Upon reconsideration, it has been determined that neither a new declaration naming Mr. Schulz as Wilhelm Felix Schulz nor a petition under 37 CFR 1.182 are required. The difference in names is presumed not to be a name change or a change of inventors or a typographical error. The name Wilhelm Schulz is presumed to be a shortened version of the name Wilhelm Felix Schulz and these names are construed to designate the same person. (If this interpretation is incorrect, applicants are required to provide a written notification of this fact to the Office of PCT Legal Administration *immediately*.)

Accordingly, that portion of the last decision requiring a proper response within two months of the mailing date of the decision is hereby VACATED.

The declaration of inventors filed 12 December 2007 is in compliance with 37 CFR 1.497(a)-(b).

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

03 JUL 2008

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

In re Application of	:	
ZENG, Fau-Gang et al.	:	
Application No.: 11/917,320	:	
PCT No.: PCT/US2006/022606	:	DECISION
Int. Filing Date: 08 June 2005	:	
Priority Date: 08 June 2005	:	ON PETITION UNDER
Docket No.: 101271.57179US (P007)	:	
For: METHODS, DEVICES AND SYSTEMS USING SIGNAL PROCESSING ALGORITHMS TO IMPROVE SPEECH INTELLIGIBILITY AND LISTENING COMFORT	:	37 CFR 1.137(b)

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 12 December 2007is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The search fee, examination fee, and fee for late filing of the search fee, examination fee or oath or declaration has been paid.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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05 NOV 2008

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BUDDE, SCHOUR & OSTENFELD, A/S
VESTER SOEGADE 10, 5TH FLOOR
COPENHAGEN, DK-1601
DENMARK

In re Application of	:	DECISION ON
Napper et al	:	
PCT No.: PCT/IB2006/001858	:	
Application No: 11/917,361	:	
Int. Filing Date: 05 July 2006	:	PETITION UNDER
Priority Date: 05 July 2005	:	
Attorney's Docket No.: 131813	:	
For: Use of an Anode for ...	:	
Impurities in Liquids	:	37 CFR 1.47(a)

This is in response to the "PETITION PURSUANT TO 37 CFR 1.47(a) and MPEP 409.03" filed on 28 February 2008. Petitioner only paid $130.00 of the petition fee of $200.00 under 37 CFR 1.17(g).

BACKGROUND

On 05 July 2005, applicants filed international application PCT/IB2006/001858. A copy of the international application was communicated by the International Bureau to the United States Patent and Trademark Office on 11 January 2007.

On 13 December 2007, applicants filed in the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed declaration or oath was submitted at such time.

On 28 February 2008, petitioner filed the present petition, a declaration in support of filing on behalf of nonsigning joint inventor Dave Napper.

On 11 December 2008, petitioner filed an executed declaration without the signature of joint inventor Dave Napper.

On 17 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" which informed applicants that the 371(c)(1), (c)(2) and (c)(4) and that the date of completion of all 35 U.S.C. 371 is 11 April 2008.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

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

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

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

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

Petitioner has satisfied items (3) and (4) of 37 CFR 1.47(a) but not items (1) and (2).

Regarding item (1), petitioner has not provided the complete petition fee of $200.00 under 37 CFR 1.17(g).

Regarding item (2), in this case, it has not been sufficiently demonstrated that a copy of the application papers were mailed to the non-signing inventor, David Napper. The papers forwarded to him, did not appear to include a copy of the complete application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP 409.03(d) since only the petition only refers to an assignment document and an inventor's declaration dated December 17, 2007 forwarded to him.

Also, it is unclear if Robert Casad has first hand knowledge of the mailings and communications to the nonsigning inventor because it appears this was done by someone in Budde Schou A/S and also by Jan Woidemann. If Mr. Casad does not have first hand knowledge then petitioner needs to submit statements, with specific facts on the actions referred to the mailing of the documents and the communications be the nonsigning inventor by persons who have first-hand knowledge of such facts.

Accordingly, the steps enumerated by Mr. Casad are not sufficient to establish that David Napper has refused to sign the declaration.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

Vibevej 2, Varnaes
DK- 6200 Aabenraa
Denmark

Regarding item (4), on 11 April 2008 petitioner has provided an executed declaration signed by Martin EBRO on his behalf and on the behalf of the nonsigning joint inventor David Napper.

Consequently, the petition does not satisfy all the items under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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28 DEC 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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50438
JUNEAU PARTNERS
P.O. Box 2516
Alexandria, VA 22301

In re Application of :
DEFEZ *et al* :
Application No.: 11/917,405 :
PCT No.: PCT/US2006/012576 :
Int. Filing Date: 13 June 2006 :
Priority Date: 14 June 2005 : **DECISION**
Attorney's Docket No.: DES-Defez-001 :
For: METHOD FOR INCREASING THE :
SURVIVAL OF BACTERIAL STRAINS :
OF THE RHIZOBIUM GENUS :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 13 December 2007, applicants filed papers using the EFS-Web system to enter the national stage of PCT/IT2006/000449 at 14:27:56. This application was given U.S. application number 11/917,405. No fees were paid in this application.

A second set of national stage papers for PCT/IT2006/000449 was filed using the EFS-Web system at 19:00:10 on the same day. The second filing contained the same papers as previously filed and was denoted as U.S. application number 11/917,495. The Basic National fee of $155.00 for a small entity was charged to a credit card.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/IT2006/000449. The end result for an international application designating the United States of America is a single U.S. national stage application.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for

PCT/IT2006/000449.

Applicants are advised that U.S. application No. 11/917,495 is no longer a valid U.S. National stage application. Applicants must use only U.S. application No. **11/917,405** for all correspondence to the national stage application of PCT/IT2006/000449.

The fees charged in U.S. application No. 11/917,495 have been transferred to U.S. application No. 11/917,405 with a mail date of 13 December 2007.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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COOPER & DUNHAM, LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

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SEP 26 2008

In re Application of :
Tor C. Anderson :
Application No. 11/917,466 : DECISION ON PETITION
Filed: December 13, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 2692/76673-PCT-US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 22, 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 signed statement from applicant's attorney that he is in possession of proof of applicant'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 Office of Patent Application Processing for processing. This application will be accorded "special" status once pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

- 3 NOV 2009

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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

In re Application of
Anderson et al.
Application No.: 11/917,466
PCT No.: PCT/US2006/029179
Int. Filing Date: 25 July 2006
Priority Date: 25 July 2005
Attorney Docket No.: 2692/76673-PCT-US
For: Compressive Surfaces For Ultrasonic Scanning

DECISION

This is in response to the correspondence filed on 22 August 2008, which is being treated under 37 CFR 1.497(d).

BACKGROUND

This international application was filed on 25 July 2006, claimed an earlier priority date of 25 July 2005, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 25 January 2008. Applicant filed *inter alia* the basic national fee on 13 December 2007.

DISCUSSION

Counsel requests that Shih-Ping WANG be added as an inventor; this request is properly treated under 37 CFR 1.497(d). A declaration filed under 37 CFR 1.497(d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.).

Regarding requirement (1), applicants have provided appropriate an appropriate statement.

Regarding requirement (2), the required $130.00 processing fee (fee code 1808) will be charged to counsel's Deposit Account No. 03-3125, per the authorization filed 22 August 2008.

Regarding requirement (3), applicants have presented a "Consent By Assignee To Identification Of Co-Inventors" signed by Ron Ho in the capacity of "President and Chief Executive Officer" of U-Systems, Inc. The document identifies U-Systems as the assignee and "consents to the naming of Shih-Ping Wang as a co-inventor together with co-inventors Tor C. Anderson and Jiayu Chen." The document refers to a "concurrently filed Assignment," and review of the records of the USPTO reveals that said assignment was received and recorded on 22 August 2008.

DECISION

The declaration filed on 22 August 2008 is **ACCEPTED** under 37 CFR 1.497(d).

Counsel's Deposit Account 03-3125 is being charged for the $130.00 processing fee (fee code 1808) and the $130.00 surcharge under 37 CFR 1.492(h)(fee code 1617) per the authorization filed on 22 August 2008.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **22 August 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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PABST PATENT GROUP LLP
1545 PEACHTREE STREET NE
SUITE 320
ATLANTA, GA 30309

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Stephen Robert Bloom, et al.	:	
Application No. 11/917,503	:	DECISION ON PETITION
Filed: June 9, 2008	:	TO WITHDRAW
Attorney Docket No. W2023-7048US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 19, 2009.

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

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

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **LANDO & ANASTASI, LLP**
S2059
ONE MAIN STREET, SUITE 1100
CAMBRIDGE, MA 02142

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PEPPER HAMILTON LLP
400 BERWYN PARK
899 CASSATT ROAD
BERWYN PA 19312-1183

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APR 2 1 2009

OFFICE OF PETITIONS

Applicant: Nilsson, et al.
Appl. No.: 11/917,512
International Filing Date: June 14, 2006
Title: THROMBIN INHIBITING 2,4-DIOXO-3,4-DIHYDROPYRIMIDINE DERIVATIVES
Attorney Docket No.: 133087.25101(101840-1PUS)
Pub. No.: US 2008/0214589 A1
Pub. Date: September 4, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 24, 2008, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors in the claims, specifically in the chemical formulas and nomenclature.

The request is DISMISSED.

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

The errors in the publication, wherein some of the subscripts and superscripts are misprinted may be Office errors, but they are not material Office errors under 37 CFR 1.221. The errors in the text are not material Office errors under 37 CFR 1.221 because of the quality of the text, as the symbols are small and faint. The text is not clear due to the size, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. The text in the subscripts and superscripts is small and faint, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

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

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

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COMMISSIONER FOR PATENTS
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PEPPER HAMILTON LLP
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APR 21 2009

OFFICE OF PETITIONS

Applicant: Nilsson, et al.
Appl. No.: 11/917,515
International Filing Date: June 14, 2006
Title: THROMBIN INHIBITING 2-OXO-1,2,5,6-TETRAHYDROPYRIDINE DERIVATIVES
Attorney Docket No.: 133087.25201(101849-1PUS)
Pub. No.: US 2008/0207695 A1
Pub. Date: August 28, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 22, 2008, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors in the claims, specifically in the chemical formulas and nomenclature.

The request is DISMISSED.

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

The errors in the publication, wherein some of the subscripts and superscripts are misprinted may be Office errors, but they are not material Office errors under 37 CFR 1.221. The errors in the text are not material Office errors under 37 CFR 1.221 because of the quality of the text, as the symbols are small and faint. The text is not clear due to the size, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. The text in the subscripts and superscripts is small and faint, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

21 MAY 2009

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

In re Application of:
MIYATA, Akira, et al.
U.S. Application No.: 11/917,554
PCT No.: PCT/JP2005/010857
International Filing Date: 14 June 2005
Priority Date: None
Atty Docket No.: V32.12-0001
For: BALLOON CATHETER

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 18 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 14 December 2007 based on applicants' failure to submit the U.S. basic national fee prior to the expiration of thirty months from the priority date. The abandonment was confirmed in the "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed 06 May 2009.

The present petition for revival was accompanied by payment of the petition fee. The "required reply," in the form of payment of the small entity basic national fee, was previously submitted by applicants on 29 April 2009. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," with accompanying statements discussing the details of the delay, satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 29 April 2009.

Richard M. Ross
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12 MAR 2008
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DARBY & DARBY P.C.
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New York NY 10008-0770

In re Application of:
YAMASHITA, Nobuyuki, et al.
U.S. Application No.: 11/917,564
PCT Application No.: PCT/JP2006/312148
International Filing Date: 16 June 2006
Priority Date: 16 June 2005
Attorney's Docket No.: 09852/0208734-US0
For: POWER LINE COMMUNICATIONS SYSTEM AND POWER LINE COMMUNICATIONS METHOD

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 11 March 2008. Deposit Account No. 04-0100 will be charged the required $400 petition fee.

BACKGROUND

On 16 June 2006, applicants filed international application PCT/JP2006/312148. The international application claimed a priority date of 16 June 2005, and it designated the United States. On 21 December 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 16 December 2007.

On 14 December 2007, applicants filed papers to initiate a U.S. national stage application using the EFS-Web electronic filing system. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), an English translation of the international application, an executed declaration, an application data sheet (ADS), a preliminary amendment, and payment of the basic national fee.

The documents filed, including the Transmittal Letter, ADS, and declaration, specifically identified the international application number as PCT/JP2006/312148. However, as part of the bibliographic information provided during the electronic filing process, applicants identified the international application number as PCT/JP2006/31248.

On 11 March 2007, applicants filed the petition considered herein to correct the error in the international application number identified during the electronic filing of the present national stage application.

DISCUSSION

As set forth above, the data entered by applicants during the electronic filing process incorrectly identified the international application to which the present national stage filing was directed. Correction of this error is required before the materials filed 14 December 2007 can be treated as having been directed to international application PCT/JP2006/312148, as necessary to avoid abandonment of this international application with respect to the United States.

In the present petition, applicants confirm that the identification of international application PCT/JP2006/31248 during the electronic filing process was the result of a clerical error and that the correct international application herein is PCT/JP2006/312148. A review of the filed materials confirms that the correct international application number was indicated thereon (for example, on the Transmittal Letter, the ADS, and the declaration). Finally, applicants have provided the required petition fee.

The present submission satisfies the requirements for a grantable petition to correct the inadvertent error in the international application number identified during the electronic filing process. Accordingly, the materials filed herein on 14 December 2007 will be treated as having been directed to international application PCT/JP2006/312148.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The materials filed herein on 14 December 2007 will be treated as the U.S. national stage of PCT/JP2006/312148.

Deposit Account No. 04-0100 will be charged the required $400 petition fee.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 December 2007.

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UNITED STATES PATENT AND TRADEMARK OFFICE

23 JUN 2010

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McDermott Will & Emery
600 13th Street, NW
Washington DC 20005-3096

In re Application of
RISK, Clifford
Application No.: 11/917,572
PCT No.: PCT/2006/025654
PCT Filing Date: June 30, 2006 DECISION
Attorney Docket No.: 074225-013 (CGRK-001)
For: NOVEL USES FOR ANTI-IGE THERAPY

This decision is in response to "Petition under 37 CFR 1.78(a)(6) to Accept an Unintentionally Delayed Priority Claim" filed January 20, 2010 to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amended specification.

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 pending 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 in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

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 amended specification, 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. 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 applications, accompanies this decision on petition. Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1644 for appropriate action on the amendment submitted January 20, 2008, including consideration by the examiner of the claim for benefit of the prior-filed applications.

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

27 FEB 2009

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Westerman, Hattori, Daniels & Adrian, LLP
1250 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036

In re Application of	:	
YOSHIDA et al.	:	
Application No.: 11/917,592	:	
PCT No.: PCT/JP2006/312096	:	DECISION ON PETITION
Int. Filing: 16 June 2006	:	UNDER
Priority Date: 17 June 2005	:	37 CFR 1.47(a)
Attorney Docket No.: 072625	:	
For: SCREW DEVICE AND METHOD OF MANUFACTURING THE SAME	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 12 February 2009. The petition fee has been submitted.

BACKGROUND

On 16 June 2006, applicants filed international application PCT/JP2006/312096, which claimed a priority date of 17 June 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 December 2006. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 17 December 2007.

On 14 December 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; an application data sheet; and a preliminary amendment.

On 12 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 was required.

On 12 February 2009, applicants submitted "Petition under 37 CFR 1.47(a)." The petition under 37 CFR 1.47(a) seeks acceptance of the application without the signature of inventor Satoshi Fujita, whom applicants assert cannot be found or reached after diligent effort.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

As authorized, the $200 petition fee has been submitted. Therefore, item (1) is satisfied.

As to item (2), petitioner states that Satoshi Fujita cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

In the present petition, applicants have not provided the required showing that the nonsigning inventor cannot be located after diligent effort. Specifically, it is not clear that the person providing the "Statement of Facts Regarding Missing Inventor" is the person who took the actions referred to therein; it is therefore unclear whether Toshiyuki Shiojima has first hand knowledge of these actions, as required by the MPEP. In addition, applicants have not provided any documentary evidence of the efforts made to locate the inventor (for example, the petition refers to a November 22, 2007 and April 22, 2008 mailing to the inventor that was returned; however, no such materials were provided with the present petition). Petitioner provided a copy of the return receipt from post office which has not been translated into English. Further, the multiple mailings of the papers to the nonsigning inventor's last known address do not constitute a "diligent" effort to locate the inventor. Applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate Satoshi Fujita.

Before item (2) can be considered satisfied, applicants must provide the required firsthand evidence (with documentary support) demonstrating that a diligent effort has

been made to locate the nonsigning inventor. A diligent effort to locate the inventor should include an internet search, and the results of such a search should be included in any subsequent submission herein. It is noted that all documents must be translated into English.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor (Satoshi Fujita). Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by three of the four inventors and including an unsigned signature box identifying the nonsigning inventor (Satoshi Fujita). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Satoshi Fujita under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
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18 JUN 2009

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Westerman, Hattori, Daniels & Adrian, LLP
1250 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036

In re Application of	:	
YOSHIDA et al.	:	
Application No.: 11/917,592	:	
PCT No.: PCT/JP2006/312096	:	DECISION ON PETITION
Int. Filing: 16 June 2006	:	UNDER
Priority Date: 17 June 2005	:	37 CFR 1.47(a)
Attorney Docket No.: 072625	:	
For: SCREW DEVICE AND METHOD OF MANUFACTURING THE SAME	:	

In a decision mailed by this Office on 27 February 2009, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition.

On 24 April 2009, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Hiroyuki Arai, with accompanying documents, which provides the required firsthand evidence that the nonsigning inventor has refused to execute the declaration, as requested. These materials satisfy the outstanding requirements for a grantable petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor Satoshi Fujita. A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The $200 petition fee has been refunded to Deposit Account no. 50-2866.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

18 JUN 2009

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Satoshi FUJITA
128-1-303, Hazukashishimisucho, Fushimi-ku,
Kyoto-shi, Kyoto, 612-8485
Japan

In re Application of
YOSHIDA et al.
Application No.: 11/917,592
PCT No.: PCT/JP2006/312096
Int. Filing: 16 June 2006
Priority Date: 17 June 2005
Attorney Docket No.: 072625
For: SCREW DEVICE AND METHOD OF MANUFACTURING THE SAME

Dear Satoshi FUJITA:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Westerman, Hattori, Daniels & Adrian, LLP
1250 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036

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CHOATE, HALL & STEWART/HARVARD UNIVERSITY
Two International Place
Boston, MA 02110

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OFFICE OF PETITIONS

In re Application of	:	
David R. Liu, et al.	:	
Application No. 11/917,607	:	DECISION ON PETITION
Filed: September 12, 2008	:	TO WITHDRAW
Attorney Docket No. ENS-010	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed June 9, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Choate, Hall & Stewart/Harvard University does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **GOODWIN PROCTER LLP**
Patent Administrator
53 State Street
Exchange Place
Boston, MA 02109-2881

17 JUN 2008

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RATNERPRESTIA
P O BOX 980
VALLEY FORGE PA 19482-0980

In re Application of	:	
FORNS	:	
U.S. Application No.: 11/917,617	:	DECISION ON PETITION
PCT No.: PCT/ES06/00279	:	
Int. Filing Date: 24 May 2006	:	UNDER 37 CFR 1.137(b)
Priority Date: 10 June 2005	:	
Attorney Docket No.: TJA-186US	:	
For: CASE ASSEMBLY FOR AWING	:	

The petition to revive under 37 CFR 1.137(b) filed 14 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors and payment of the necessary surcharges and late fees are required.

Derek A. Putonen
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19 NOV 2009

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DYKAS, SHAVER & NIPPER, LLP
P.O. BOX 877
BOISE ID 83701-0877

In re Application of
Tierney et al.
Application No.: 11/917,626
PCT No.: PCT/GB2006/002187
Int. Filing Date: 15 June 2006
Priority Date: 15 June 2005
Attorney Docket No.: LML101NUS
For: Restraint Apparatus

DECISION

This is in response to the petition under 37 CFR 1.181 filed on 14 August 2009.

BACKGROUND

This international application was filed on 15 June 2006, claimed an earlier priority date of 15 June 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 21 December 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 15 December 2007. Applicants filed *inter alia* a basic national fee on 14 December 2007.

On 07 August 2008, a Notification of Insufficient Fees (Form PCT/DO/EO/923) was mailed to counsel, requiring the submission of $1000.00 in claims fees for 40 total claims over 20. A Filing Receipt was also mailed.

On 10 August 2009, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to the "notification of Missing Requirements (Form PCT/DO/EO/905), mailed 08/07/2008."

DISCUSSION

Counsel requests withdrawal of the holding of abandonment on the basis that "the fees were properly and timely submitted." Review of the electronic records of the USPTO reveals that a claims fee payment in the amount of $1000.00 was made in this application on 08 August 2008; this payment is also reflected on the Electronic Acknowledgment Receipt generated on even date. In view of the totality of the evidence now of record, it would be appropriate to conclude that applicants timely replied to the Notification of Insufficient Fees mailed on 07 August 2008. As such, the holding of abandonment is hereby **WITHDRAWN**, and the Notification of Abandonment mailed on 10 August 2009 is hereby **VACATED**.

The declaration filed on 05 June 2008 is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). However, applicants have not paid the surcharge under 37 CFR 1.492(h). Therefore, the Filing Receipt mailed on 07 August 2008 was mailed in error, and it is hereby **VACATED**.

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing, including the correction of the PALM records to show the status of this application as pending, not abandoned, and also including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

16 JUL 2008

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71398
Stefan Kirchanski
VENABLE LLP
Century Park East, 21st Floor
Los Angeles, CA 90067

In re Application of :
DE GUZMAN *et al* :
Application No.: 11/917,655 :
PCT No.: PCT/US2006/0023459 :
Int. Filing Date: 15 June 2006 : **DECISION**
Priority Date: 16 June 2005 :
Attorney's Docket No.: 81626.254228 :
For: IMPROVING BIOSENSOR :
DETECTION BY MEANS OF DROPLET :
DRIVING, AGITATION, AND :
EVAPORATION :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 14 December 2007, applicants filed papers to enter the national stage of PCT/US2006/0023459 using docket number 81626.254228 at 15:44:51. This application was processed as the national stage of PCT/US2006/0023459 and denoted as U.S. application number 11/917,655. No fees were paid with this submission.

A duplicate national stage application of PCT/US2006/0023459 was filed on the same day at 17:55:37. This time, applicants paid the basic national fee of $155.00 with this submission. This application was denoted as U.S. application number 11/917,723. No further processing was done on U.S. application number 11/917,723 as U.S. application number 11/917,655 was already processed as the national stage application of PCT/US2006/0023459.

On 18 December 2007, applicants filed a paper titled "EFS Filing Error."

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/US2006/0023459. The end result for an international application designating the United States of America is a single U.S. national stage application.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/US2006/0023459.

Applicants are advised that U.S. application No. 11/917,723 is no longer a valid U.S. National stage application.

Applicants must use only U.S. application No. **11/917,655** for all correspondence to the national stage application of PCT/US2006/0023459.

`The basic national fee paid on 14 December 2007 in U.S. application No. 11/917,723 as the national stage of PCT/US2006/0023459 has also been transferred to the above-captioned application. As such, applicants meet the requirements of 37 CFR 1.495(b)(2).

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of PANAYI Serial No.: 11/917,663 PCT No.: PCT/GB06/02209 Int. Filing Date: 16 June 2006 Priority Date: 17 June 2005 Attorney's Docket No.: 392458026US For: ATOM PROBE	:	DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is a decision on Applicant's Petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 22 December 2008. Petitioner requests a five month extension of time, which is granted.

BACKGROUND

On 22 May 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 22 December 2008, applicant filed the response to the Notification of Missing Requirements along with a Petition under 37 CFR 1.47(b).[1] Applicant requested a five month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

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[1] 37 CFR 1.47(b) applies whenever all of the inventors refuse to execute the application or cannot be found or reached after diligent effort. Where a *sole* inventor refuses to sign or is unavailable to sign the application, a petition under 37 CFR 1.47(b) is required.

Item (1) is satisfied with the payment of the petition fee. Item (3) is satisfied because the last known address of the inventor was provided. With the submission, Petitioner satisfied Item (6) above with the statement showing such action is necessary to preserve the rights of the parties and to prevent irreparable damage.

With regard to Item (2), petitioner has submitted the declaration of Scott Wiener, Intellectual Property Manager, Imago Scientific Instruments Corporation. It is not clear from his declaration that Mr. Panayi received a complete copy of the application papers including specification, claims, drawings (if any) and declaration. Mr. Wiener states that on 24 November 2008, an email was sent to inventor Panayi to which Mr. Panayi replied. Neither email adequately identifies the application to which it is directed. Moreover, even if Mr. Panayi understood that the request for a declaration was directed to the above referenced application, his email reveals that he maybe be confused about the license agreement, assignment and the declaration of inventorship. He suggested that the company's patent attorney review the requirements taking into account the assignment and license agreement and "explain exactly what you need from me and why." This is not a refusal but an indication that Mr. Panayi needs more information before he can sign. It is not clear that on 24 November 2008, the documents including a complete copy of the application papers were sent. A copy of any cover letter which accompanied the declaration was not provided. Thus, there is no indication that a complete copy of the application accompanied the declaration. Panayi indicated that he would need to seek legal advice before signing the documents; this is not an indication of his refusal to sign.

Petitioner has not provided sufficient evidence that the inventor refuses to sign the application. See MPEP. 409.03(d), which states in pertinent part, "a refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he is being asked to sign and refuses to accept the application papers." Here, there is no evidence that the inventor was presented with a copy of the application papers and thus, there is insufficient evidence to conclude that the inventor refuses to sign the application. The statement of someone having first hand knowledge of the facts is required. Item (2) is not satisfied.

As for Item (4), petitioner has not provided a declaration *executed on behalf of the inventor by the 37 CFR 1.47(b) petitioner.* 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 § 324. 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). Item (4) is not yet satisfied.

Regarding Item (5), Section 409.03(f) of the MPEP, Proof of Proprietary Interest, states, in part:

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

If the application has been assigned, a copy of the assignment (in the English Language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324)....

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

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

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

Here, petitioner is attempting to prove that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the subject matter to justify filing the application. An assignment and license agreement were attached to the petition to prove this interest. However, the assignment and license agreement was made between Oxford Nanoscience Limited and the nonsigning inventor; not with Imago Scientific Instruments Corporation, the 37 CFR 1.47(b) applicant. Moreover, the assignment between Oxford and Mr. Panayi does not clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. In fact, there is no documentation in the application file that indicates that Imago is the assignee or successor in interest to this specific application. In addition, a statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP §324). Item (5) is not satisfied.

Accordingly, items (2), (4), and (5) above have not been satisfied and the petition under 37 CFR 1.47(b) must be dismissed.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED WITHOUT PREJUDICE**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request

should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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12 NOV 2009

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In re Application of
PANAYI
Serial No.: 11/917,663
PCT No.: PCT/GB06/02209
Int. Filing Date: 16 June 2006
Priority Date: 17 June 2005
Attorney's Docket No.: 392458026US
For: ATOM PROBE

DECISION ON

PETITION UNDER

37 CFR 1.47(b)

This decision is a decision on Applicant's Renewed Petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 25 September 2009. Petitioner requests a five month extension of time, which is granted.

BACKGROUND

On 22 May 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 22 December 2008, applicant filed the response to the Notification of Missing Requirements along with a Petition under 37 CFR 1.47(b).

On 26 February 2009, a decision, dismissing the petition, was mailed.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

A review of the declaration submitted on 25 September 2009 reveals that the declaration identifies and is executed by the previously nonsigning inventor, and states the residency, citizenship and mailing address of the inventor. Thus, the declaration is acceptable and meets the requirements of 37 CFR 1.497(a) and (b).

The renewed petition under 37 CFR 1.47(b) is considered moot as declaration executed by the previously unavailable inventor was submitted and is acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the renewed petition under 37 CFR 1.47(b) is **DISMISSED AS MOOT**. The declaration executed by the inventor and submitted on 25 September 2009 is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 25 September 2009.

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In re Application of
MORI et al.
Application No.: 11/917,673
PCT No.: PCT/US06/25574
Int. Filing Date: 29 June 2006
Priority Date: 30 June 2005
Atty Docket No.:14917.0870USWO/313844.06
For: ELECTRONIC BUSINESS CARD EXCHANGE SYSTEM AND METHOD

DECISION ON

under 37 CFR 1.497(d)

This is a decision on applicant's' "Petition for Correction of Inventorship under 37 CFR 1.48(a)", filed on 03 November 2008 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application. For the reasons set forth below, the petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 23 May 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 03 November 2008, applicant filed a response along with an executed declaration and a "Petition for Correction of Inventorship under 37 CFR 1.48(a)",

DISCUSSION

At the outset, it is noted that 37 CFR 1.48(a) is directed to non-provisional applications. A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete. Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

Yasuhiko Mori, Makoto Fukuda, Yoshiaki Hara, Rajesh Ramanathan, Christoper C. Yu and Fumiaki Yagi were named as inventors in the published international application PCT/US06/25574. The declaration submitted with the petition also identified Keiichi Yokoyama as co-inventor. Applicant requests the addition of inventor Yokoyama.

Petition under 37 CFR 1.497(d)

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Applicant satisfied Item (2) above with the submission of the petition fee. With respect to Item (1), Petitioner has not provided a statement from Keiichi Yokoyama that any error in inventorship occurred without deceptive intention on his part.

With regard to Item (3), it appears from the USPTO records that an assignment of the application has occurred; however, the Written Consent of the assignee consenting to the addition of Keiichi Yokoyama as inventor in this application to correct the inventorship under 37 CFR 1.497(d)(3) was not provided. Item (3) above is not yet satisfied.

Accordingly, applicant has not met all of the requirements to add Keiichi Yokoyama as a co-inventor in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby dismissed.

CONCLUSION

The petition under 37 CFR 1.1497(d) to Correct Inventor's Names in the above-captioned application is **DISMISSED WITHOUT PREJUDICE.** A statement from Keiichi Yokoyama that any error in inventorship occurred without deceptive intention on his part and the written consent of the assignee to add Keiichi Yokoyama as co-inventor in the above-identified international application are required.

Any reconsideration on the merits of the renewed petition under 37 CFR §1.497(d) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.497(d)." No petition fee is required.

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UNITED STATES PATENT AND TRADEMARK OFFICE

01 MAY 2009

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In re Application of
MORI et al.
Application No.: 11/917,673
PCT No.: PCT/US06/25574
Int. Filing Date: 29 June 2006
Priority Date: 30 June 2005
Atty Docket No.:14917.0870USWO/313844.06
For: ELECTRONIC BUSINESS CARD EXCHANGE SYSTEM AND METHOD

DECISION ON

under 37 CFR 1.497(d)

This is a decision on applicant's' "Request for Reconsideration", filed on 22 January 2009 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application. The petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 23 May 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 03 November 2008, applicant filed a response along with an executed declaration and a "Petition for Correction of Inventorship under 37 CFR 1.48(a)".

On 08 January 2009, a decision was mailed to applicant indicating that a statement of the inventor and the written consent of the assignee was required.

DISCUSSION

As previously indicated, Yasuhiko Mori, Makoto Fukuda, Yoshiaki Hara, Rajesh Ramanathan, Christoper C. Yu and Fumiaki Yagi were named as inventors in the published international application PCT/US06/25574. The declaration submitted with the petition also identified Keiichi Yokoyama as co-inventor. Applicant requests the addition of inventor Yokoyama.

As previously stated, where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Applicant previously satisfied Item (2) above with the submission of the petition fee. With respect to Item (1), Petitioner provided a statement from Keiichi Yokoyama that any error in

inventorship occurred without deceptive intention on his part. With regard to Item (3), the Written Consent of the assignee consenting to the addition of Keiichi Yokoyama as inventor in this application to correct the inventorship under 37 CFR 1.497(d)(3) was provided. Item (3) above is satisfied.

Accordingly, applicant has met all of the requirements to add Keiichi Yokoyama as a co-inventor in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby granted.

CONCLUSION

The petition under 37 CFR 1.1497(d) to Add Inventor Keiichi Yokoyama name in the above-captioned application is **GRANTED.** The declaration submitted on 22 January 2009 satisfies 37 CFR 1.497(a), (b) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **22 January 2009.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

18 DEC 2008

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In re Application of :
ROSI, Nathaniel L., et al. :
Application No. 11/917,680 : DECISION ON PETITION
Filed: 08 June 2006 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 30938/42145 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed 24 October 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.

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 pending 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 in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

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. 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.

However, a review of the application file indicates that the declaration of the inventors is not in compliance with 37 CFR 1.497(a)-(b). While it is acceptable for each inventor to execute a separate copy of the oath or declaration. Each copy must list all of the inventors and the inventors' citizenships. It is not acceptable to piece together separately executed declarations to create a single composite declaration. MPEP 605.04(a).

Any inquiries concerning this decision may be directed to Erin Thomson at (571) 272-3292.

The application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision, including mailing of the Notification of Defective Response(Form PCT/DO/EO/916) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) is required as the current one has been pieced together.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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UNITED STATES DEPARTMENT OF COMMERCE
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Mail Date: 04/21/2010

Applicant	: Ian Francis Lealman	: DECISION ON REQUEST FOR
Patent Number	: 7627216	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/917,700	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/30/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

30 JUL 2008

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In re Application of KIM	:
Serial No.: 11/917,703	:
PCT No.: PCT/KR06/02180	: DECISION ON SUBMISSION
Int. Filing Date: 07 June 2006	:
Priority Date: 14 June 2005	:
Attorney's Docket No.: OM141-94869	:
For: THE SOUND-ABSORBING PANEL	:

This application is before the PCT Legal Office for consideration of the declaration submitted on 14 December 2007.

BACKGROUND

On 14 December 2007, applicant filed, via Electronic Filing System, a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee and a declaration executed by the inventor.

On 22 May 2008, a Notification of Missing Requirements was mailed to applicant indicating that the declaration was not in compliance with 37 CFR 1.497(a) and (b) as the declaration did not identify the application to which it was directed.

On 02 June 2008, applicant responded with a copy of the declaration and an explanation of why the surcharge is not required.

DISCUSSION

A review of the EFS Acknowledgement Receipt indicates that an oath or declaration was filed on 14 December 2007.

37 CFR 1.63 requires that an oath or declaration identify the specification to which it is directed. MPEP section 602 states that the identification requirements of 37 CFR 1.63 are complied with when "the name of the inventor and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing".

A review of the declaration submitted on 14 December 2007 indicates that the box which states "the declaration is directed to the attached specification" was checked. The declaration was accompanied by a copy of the international application including description, claims and drawing. This is sufficient for compliance with 37 CFR 1.63. Further, the declaration identifies the inventor

and states the residency, citizenship and mailing address for the inventor and and was executed by the sole inventor. Thus, the declaration submitted on 14 December 2007 is acceptable and meets the requirements of 37 CFR 1.497(a) and (b). See MPEP 1893.01(e).

Since the declaration was filed prior to the thirty month period, no surcharge is required. The 22 May 2008 Notification of Missing Requirements is hereby VACATED.

CONCLUSION

The declaration, submitted on 14 December 2007, is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

The 22 May 2008 Notification of Missing Requirements is hereby **VACATED**.

The application will be forwarded to the DO/EO/US for further processing. The 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date is 14 December 2007.

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10 OCT 2008

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In re Application of :
THOMAS, et al. :
Application No.: 11/917,717 :
PCT No.: PCT/CA06/00988 : DECISION ON PETITION
Int. Filing Date: 15 June 2006 :
Priority Date: 15 June 2005 : UNDER 37 CFR 1.182
Attorney Docket No.: 32300-254606 :
For: THERAPEUTIC LOW FREQUENCY :
PULSED MAGNETIC FIELDS AND :
DEVICES THEREFOR :

This decision is in response to applicant's "Petition Under 37 C.F.R. § 1.182" filed in the United States Patent and Trademark Office (USPTO) on 18 August 2008. Applicant provided a petition fee payment of $200.00 "(for a small entity). Applicant is advised that there is not small entity discount available for the petition fee under 37 CFR 1.17(f). As authorized, the entire $400 petition fee under 37 CFR 1.17 has been charged to Deposit Account no. 22-0261.

BACKGROUND

On 15 June 2006, applicant filed international application PCT/CA06/0098 which claimed a priority date of 15 June 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 December 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 15 December 2007.

On 14 December 2007, applicant filed a Transmittal Letter for entry into the national stage accompanied, *inter alia,* by: the requisite basic national fee; an Information Disclosure Statement; an Application Data Sheet and a preliminary amendment.

On 28 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration executed by the inventors and the $65.00 surcharge for filing after the thirty-month period were required. The notification set a two month period for response.

On 17 July 2008, applicant filed an executed declaration and provided payment of the $65.00 surcharge.

On 18 August 2008, applicant filed the presently considered petition under 37 CFR

1.182 to officially change the order of the inventor's names in the application.

DISCUSSION

A review of the application file finds that the issue fee has yet to be paid in the application. Therefore, pursuant to applicant's request the order of the inventor's names will be officially changed to reflect the order as stated in the Application Data Sheet filed on 17 July 2008.

Applicant is advised that the declaration filed 17 July 2008 is non-compliant.

Specifically, MPEP Section 201.03 states that:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

The filed declaration contains only one page "2 of 3." This suggests that either the filed declaration was compiled from numerous declarations or that the inventors only returned their signature pages. Either scenario renders the document non-compliant.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**. An updated bibliographic data sheet accompanies this decision.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to provide a compliant oath or declaration of the inventors.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

18 MAR 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

BAKER & DANIELS LLP
300 Meridian Street
Suite 2700
Indianapolis, Indiana 46204

In re Application of:
TUOMINEN, Risto, et al.
U.S. Application No.: 11/917,724
PCT Application No.: PCT/FI2006/000211
International Filing Date: 16 June 2006
Priority Date: 16 June 2005
Attorney's Docket No.: SEPPO-PO11-US
For: METHOD FOR MANUFACTURING A CIRCUIT BOARD STRUCTURE, AND A CIRCUIT BOARD STRUCTURE

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicant's petition filed 13 March 2008, treated herein under 37 CFR 1.182. Deposit Account No. 02-0390 will be charged the required $400 petition fee.

BACKGROUND

On 16 June 2006, applicants filed international application PCT/FI2006/000211. The international application claimed a priority date of 16 June 2005, and it designated the United States. On 21 December 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 16 December 2007.

On 14 December 2007, applicants filed papers to initiate a U.S. national stage application using the EFS-Web electronic filing system. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), an application data sheet (ADS), a preliminary amendment, and payment of the basic national fee.

The documents filed, including the Transmittal Letter and ADS, specifically identified the international application number as PCT/FI2006/000211. However, as part of the bibliographic information provided during the electronic filing process, applicants identified the international application number as PCT/FI02/00211.

On 13 March 2008, applicants filed the petition considered herein to correct the error in the international application number identified during the electronic filing of the present national stage application.

DISCUSSION

As set forth above, the data entered by applicants during the electronic filing process incorrectly identified the international application to which the present national stage filing was directed. Correction of this error is required before the materials filed 14 December 2007 can be treated as having been directed to international application PCT/FI2006/000211, as necessary to avoid abandonment of this international application with respect to the United States.

In the present petition, applicants confirm that the national stage application was intended for international application PCT/FI2006/000211 and that any error made during the electronic filing process was made without deceptive intent. A review of the filed materials confirms that the correct international application number was indicated thereon (for example, on the Transmittal Letter and the ADS). Applicants have also authorized a charge for the required petition fee.

Based on the above, the present submission satisfies the requirements for a grantable petition to correct the inadvertent error in the international application number entered during the electronic filing process. Accordingly, the materials filed herein on 14 December 2007 will be treated as having been directed to international application PCT/FI2006/000211.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The materials filed herein on 14 December 2007 will be treated as the U.S. national stage of PCT/FI2006/000211.

Deposit Account No. 02-0390 will be charged the required $400 petition fee.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicants have not yet submitted an executed declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
RESEARCH TRIANGLE PARK NC 27709

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MAR 18 2009

OFFICE OF PETITIONS

Applicant: Forsgren
Appl. No.: 11/917,741
International Filing Date: June 22, 2006
Title: IMAGE ENHANCEMENT IN SPORT RECORDINGS
Attorney Docket No.: 025522-000010
Pub. No.: 2008/0199043 A1
Pub. Date: August 21, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 3, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the benefit claim data to the Swedish application is incorrect, rather than the correct Sweden 050149-0 it states Sweden 05049-0 and that the title is also incorrect.

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

The error in the benefit claim on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the priority claim is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The specification and claims were accurately published, thus one can read and understand the content of the application. The error also does not affect the use

[1]Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

of the patent application publication as a prior art reference, because the foreign priority date is not useable as a reference date.

As to the title of the invention, the error may be an Office error but it is not a material mistake as required by 37 CFR 1.221(b).

On May 16, 2008, a Filing Receipt was mailed by the Office, which improperly listed the title and the foreign priority data. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt.

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

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

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

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P.O. BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

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APR 2 8 2010

OFFICE OF PETITIONS

In re Application of	:	
Bruce Simon Van Halderen	:	DECISION ON PETITION
Application No. 11/917,749	:	TO WITHDRAW
Filed: November 14, 2008	:	FROM RECORD
Attorney Docket No. 20914/0208700-US0	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 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 S. Peter Ludwig on behalf of all attorneys of record who are associated with Customer No. 07278.

All attorneys/agents associated with Customer Number 07278 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
Petitions Examiner
Office of Petitions

cc: Bruce Simon Van Halderen
123 Second Street, Parkmore
Sandton, South Africa 2196

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13 MAY 2008

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PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK CA 94026

In re Application of PARK	:	
Application No.: 11/917,753	:	
PCT No.: PCT/KR06/01385	:	DECISION ON
Int. Filing: 14 April 2006	:	
Priority Date: 14 April 2005	:	PETITION TO REVIVE
Attorney Docket No.: 39767-8009.US01	:	
For: CLOTHING FOR EMITTING TREATMENT MEDIUM	:	UNDER 37 CFR 1.137(b)
	:	

The petition to revive under 37 CFR 1.137(b) filed 14 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $310 has been provided. The required petition fee of $1540 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **14 December 2007.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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07 JAN 2008

00466
YOUNG & THOMPSON
745 South 23rd Street
2nd floor
Arlington, VA 22202

In re Application of :
KURODA *et al* :
Application No.: 11/917,807 :
PCT No.: PCT/JP2006/311751 :
Int. Filing Date: 12 June 2006 : **DECISION**
Priority Date: 15 June 2005 :
Attorney's Docket No.: 8048-1276 :
For: DISPLAY APPARATUS :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 17 December 2007, applicants filed papers using the EFS-Web system to enter the national stage of PCT/JP2006/311751 at 12:55:04. This application was given U.S. application number 11/917,795.

A second set of national stage papers for PCT/JP2006/311751 was filed using the EFS-Web system at 14:22:23 on the same day. The second filing was denoted as U.S. application number 11/917,807. Fees in the amount of $930.00 were paid in the second application.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/JP2006/311751. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only; thus, only one national stage application may develop from an international application. Both filings on 17 December 2007 indicate that the filing is a "U.S. National Stage under 35 USC 371." of PCT/JP2006/311751. No conflicting instructions appear in the application papers. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/JP2006/311751 denoted as U.S. application No. **11/917,807**.

Applicants must use only U.S. application No. **11/917,807** for all correspondence to the national stage application of PCT/JP2006/311751. Applicants are advised that U.S. application No. 11/917,795 is no longer a valid U.S. National stage application.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT and TRADEMARK OFFICE

12 SEP 2008

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WILLIAM, MORGAN & AMERSON
10333 RICHMOND, SUITE 1100
HOUSTON, TX 77042

In re Application of	:	DECISION ON
SCHOOK, Robert	:	
PCT No.: PCT/NL2006/000320	:	
Application No.: 11/917,851	:	PETITION UNDER
Int. Filing Date: 28 June 2006	:	
Priority Date: 28 June 2005	:	
Attorney's Docket No.: 2065.008000	:	37 CFR 1.47(b)
For: SEPARATOR FOR SEPARATING A SOLID, LIQUID AND/OR GAS MIXTURE	:	

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.47(a)" filed on 11 July 2008, which is being treated as a petition under 37 CFR 1.47(b) that seeks the acceptance of the application without the signature of the sole-inventor Robert SCHOOK. The petition fee is now $200.00 for a petition under 37 CFR 1.47(b) so the submitted payment of $130.00 is insufficient to cover the petition fee.

BACKGROUND

On 28 June 2006, applicant filed international application PCT/NL2006/000320, which claimed priority of an earlier application filed 28 June 2005.

On 17 December 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia,: the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 12 May 2008, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 indicating that, *inter alia*, "the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The notification set two months from the date of this notice or 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment."

On 11 July 2008, petitioner filed a Response to Notification of Missing Requirements which included, inter alia, a petition under 37 CFR 1.47(a), and statements from James T. Sullivan and Guillermo Munoz.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Applicant has satisfied items (2) - (3), and (5) but not items (1), (4) and (6) thus not completing the requirements under 37 CFR 1.47(b).

Regarding item (1), petitioner has not provided the complete fee of $200.00 under 37 CFR 1.17(g).

Regarding requirement (2), petitioner has provided sufficient evidence as shown by Mr. Munoz's declaration that Dr. Schook refused to sign the declaration.

Regarding item (3), applicant has stated the last known address of the inventor:

Robert Schook
De Eiken 21
7221 GJ Steenderen
The Netherlands

Regarding item (4) a declaration has not been provided executed by an appropriate officer of company on behalf of the non-signing sole inventor, Mr. Schook.

Regarding item (6) applicant has presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding item (5) applicant has not submitted proof that applicant has sufficient proprietary interest in the application. Mr. Sullivan's statement is not sufficient without corroborating evidence since there is no copy of the assignment (signed assignment by inventor Dr. Schook) provided with this petition.

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 prior to the date the application is deposited in the Patent and Trademark Office.

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by affidavit or declaration that those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment.

When such an agreement is relied on, it must be established by the affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

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

A proprietary interest obtained otherwise than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record. Note MPEP 409.03(f)

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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PTO-1390 (Rev. 09-2007)
Approved for use through 2/28/2010. OMB 0651-0021
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 LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER	
2065.008000	
U.S. APPLICATION NO. (If known, see 37 CFR 1.5)	
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE
PCT/NL2006/000320	28/06/2006
PRIORITY DATE CLAIMED	
28/06/2005	

TITLE OF INVENTION
SEPARATOR FOR SEPARATING A SOLID, LIQUID AND/OR GAS MIXTURE

APPLICANT(S) FOR DO/EO/US
SCHOOK, Robert

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☑ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☑ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☑ The US has been elected (Article 31).
5. ☑ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
   a. ☑ is attached hereto (required only if not communicated by the International Bureau).
   b. ☐ has been communicated by the International Bureau.
   c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☑ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
   a. ☑ is attached hereto.
   b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☑ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
   a. ☐ are attached hereto (required only if not communicated by the International Bureau).
   b. ☐ have been communicated by the International Bureau.
   c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
   d. ☑ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☑ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☑ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13*ter*.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. 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 15 minutes to complete, including gathering information, preparing, and submitting the completed 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 PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

16 DEC 2008

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

In re Application of :
SCHACHT, Johannes :
U.S. Application No. 11/917,882 : DECISION ON PETITION
PCT Filing Date: December 19, 2007 :
Attorney Docket No. P07,0385
For: METHOD, SYSTEM AND COMPUTER PROGRAM PRODUCT FOR TRANSMITTING DATA FROM A DOCUMENT APPLICATION TO A DATA APPLICATION

This is a decision on the "Petition to Amend Specification to Correct Formality" filed October 06, 2008. The stated purpose of the petition is for "inserting reference to a claim of priority into the specification of the present application." As such, the petition has been treated as a petition under 37 CFR 1.78(a).

The petition is **dismissed** as moot for the reasons stated below.

As set forth in MPEP 1893.03(c), a national stage application filed under 35 U.S.C. § 371 may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the date of filing of that international application. *See also* MPEP 1893.03(b). Accordingly, it is not necessary for the applicant to amend the first sentence of the specification to reference the international application number that was used to identify the application during international processing of the application by the international authorities prior to commencement of the national stage under 35 U.S.C. § 371.

In view of the dismissal of the instant petition as moot, the $130 fee will be refunded to counsel Deposit Account.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298. This matter is being referred to the appropriate Technology Center for examination in due course.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

29 SEP 2009

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

In re Application of :
OVIEDO :
Application No.: 11/917,901 :
PCT No.: PCT/IB2005/001700 :
Int. Filing Date: 17 June 2005 : DECISION
Priority Date: None :
Atty. Docket No.: 209,323 :
For: IMPROVED SEAT FRAME :
HAVING AN IMPROVED STRUCTURE :

This is a decision on applicants' "PETITION FOR REVIVAL...UNDER 37 CFR 1.137(b)" filed in the U.S. Patent and Trademark Office (USPTO) on 02 July 2009. The petition was accompanied by, *inter alia*, the requisite petition fee and a declaration of the inventors. The petition is **GRANTED** as discussed below.

The present application became abandoned for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 13 May 2008.

A review of the application file reveals that applicant has satisfied the requirements of 37 CFR 1.137(b), and that the application satisfies the requirements under 35 U.S.C. 371 for entry into the national stage in the United States.

The application has an international filing date of 17 June 2005, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (2), and (4) date of **02 July 2009**.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

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FROM DIRECTOR'S OFFICE

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Fulbright & Jaworski, LLP
1301 McKinney
Suite 5100
Houston, TX 77010-3095

In re application of
Gunnar Wenzel
Application No. 11/917,985
Filed: December 18, 2007
For: CAT TOILET

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 12, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s);
(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 the latest Office action from each of the EPO application(s) containing the allowable/patentable claim(s);
(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 fail to include:
(1) - (2) This application does not currently claim priority under 35 USC 119(a) to the EPO application 06762074.2 - 1260 that contains the allowable claims. There is no 35 USC 119(a) priority claimed. Where the EPO application that contains the patentable claims is not the same application for which priority is claimed in the US application, applicant must identify the relationship between the EPO application that contains the patentable claims and any priority application claimed in the US.
(3) Claims of the U.S. Application that sufficiently correspond to the allowable claims of the EPO application. Specifically, reciting claim 4 as a "means-plus-function claim" results in a claim that is broader than the structural recitations of EPO claim 4 and thus causes the claim to not sufficiently correspond to the EPO patent claim.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

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

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 2/8/09

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FEB 27 2009

Fulbright & Jaworski, LLP
1301 McKinney
Suite 5100
Houston, TX 77010-3095

In re application of
Gunnar Wenzel
Application No. 11/917,985
Filed: December 18, 2007
For: CAT TOILET

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 11, 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 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 the latest Office action 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).

In light of renewed petition, which included a explanation of the relationship between the EPO application that contains the allowable claims and the priority application claimed in the US, and a Third Preliminary Amendment that amends claim 4 to sufficiently correspond to the allowable claim 4 of the EPO application, 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: 2/25/09

07 JAN 2008

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FACTOR & LAKE, LTD
1327 W. WASHINGTON BLVD.
SUITE 5G/H
CHICAGO IL 60607

In re Application of	:	
Prevost	:	
Application No.: 11/917,996	:	
PCT No.: PCT/IB2006/003933	:	
Int. Filing Date: 19 June 2006	:	DECISION
Earlier Priority Date: 17 June 2005	:	
Attorney Docket No.: FIE-051146	:	
For: Method For Stiffing Fibers Within An Artificial Playing Surface	:	

The petition to revive under 37 CFR 1.137(b) filed 18 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant provides a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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05 DEC 2007

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

In re Application of OHMI et al	:	
U.S. Application No.: 11/918,068	:	
PCT Application No.: PCT/JP2005/020919	:	DECISION
Int. Filing Date: 15 November 2005	:	
Priority Date Claimed: 15 November 2004	:	
Attorney Docket No.: 039262-0185	:	
For: FLUORESCENT LAMP	:	

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b)" filed 09 October 2007.

BACKGROUND

On 15 November 2005, applicant filed international application PCT/JP2005/020919, which claimed priority of an earlier Japan application filed 15 November 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 15 May 2007.

International application PCT/JP2005/020919 became abandoned as to the United States for failure to timely pay the basic national fee.

On 09 October 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 15 November 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 November 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

0 6 DEC 2007

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

In re Application of DAMIAN et al	:	
U.S. Application No.: 11/918,078	:	
PCT Application No.: PCT/US2006/009042	:	
Int. Filing Date: 13 March 2006	:	DECISION
Priority Date Claimed: 14 March 2005	:	
Attorney Docket No.: BYG-013	:	
For: METHODS FOR DETECTING ALZHEIMER'S DISEASE	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 09 October 2007.

BACKGROUND

On 13 March 2006, applicant filed international application PCT/US2006/009042, which claimed priority of an earlier United States application filed 14 March 2005. The thirty-month period for paying the basic national fee in the United States expired on 14 September 2007.

International application PCT/US2006/009042 became abandoned as to the United States for failure to timely pay the basic national fee.

On 09 October 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

- 4 NOV 2009

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KRIEGSMAN & KRIEGSMAN
30 TURNPIKE ROAD, SUITE 9
SOUTHBOROUGH MA 01772

In re Application of	:	DECISION ON
Waldemar Kiener	:	
Application No. 11/918,081	:	
PCT No.: PCT/EP2005/008215	:	
Int. Filing Date: 28 July 2005	:	
Priority Date: 08 April 2005	:	PETITION UNDER
Attorney's Docket No.: 82742	:	
For: APPARATUS FOR CLEANING...	:	
AND CLUBS AND GOLF BALLS	:	37 CFR 1.137 (b)

This decision is in response to applicant's' "PETITION FOR REVIAVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)," filed on 28 August 2009.

BACKGROUND

On 28 July 2005, this international application was filed, claiming an earliest priority date of 08 April 2005. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 08 October 2007, which fell on a holiday.

On 09 October 2007, applicant filed a Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, the basic national fee. No executed declaration or oath was filed at such time.

On 28 November 2008, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date... is not excecuted in accordance with either 37 CFR 1.66 or 37 CFR 1.68." The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment.

On 07 August 2009, the USPTO mailed applicant Notification of Abandonment (Form PCT/DO/EO/909) indicating that applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 11/28/2008 within the time period set therein.

On 28 August 2009, applicants filed the instant petition under 37 CFR 1.137(b),and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting an executed declaration, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1) - (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1),(c)(2); and (c)(4) date of this application is **28 August 2009.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/918,102	01/09/2008	Christopher Scott	MUR-07-1461	1146

35811 7590 08/12/2009

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

EXAMINER	
HUFF, SHEELA JITENDRA	
ART UNIT	**PAPER NUMBER**
1643	

NOTIFICATION DATE	DELIVERY MODE
08/12/2009	ELECTRONIC

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

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

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

pto.phil@dlapiper.com

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IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

Applicant: Scott et al.
Appl. No.: 11/918,102
Filing Date: January 9, 2008
Title: ANTIBODY AND USES THEREOF
Attorney Docket No.: MUR-07-1461
Pub. No.: US 2009/0068198 A1
Pub. Date: March 12, 2009

This is a decision on the fourth request for republication of patent application publication under 37 CFR 1.221(a), filed on August 4, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "**a copy of the application** in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant filed a copy of the publication rather than a copy of the application papers**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management
United States Patent & Trademark Office

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

Mail Date: 04/21/2010

Applicant	: Klaus Schmied	: DECISION ON REQUEST FOR
Patent Number	: 7651218	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/918,103	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **135** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAIL

JUL 06 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In Re Application of :
SAMBONGI, MASAO, et al. :
Application Serial No. 11/918,111 :
Filed: October 9, 2007 :
For: **IMAGE TAKING SYSTEM, AND IMAGE SIGNAL PROCESSING PROGRAM** :

DECISION
ON PETITION

This is a response to the petition to expunge incorrect information disclosure statement (IDS) filed March 24, 2009, pursuant to 37 CFR §1.59(b).

Petitioner requests that the IDS filed January 5, 2009 be expunged from the record.

Petitioner states that the IDS was incorrectly filed in the instant application. The IDS identifies an incorrect International Search Report along with the references filed therein.

The petition fails to meet the requirements set forth in MPEP 724.05 (II), which states in part:

A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:
(A) the Office can effect such return prior to the issuance of any patent on the application in issue;
(B) it is stated 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;
(C) the information has not otherwise been made public;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

Petitioner has not met the requirements of items B, C, D and F.

Accordingly the petition is **DISMISSED**.

Any request for reconsideration must include the requirements as outlined above.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAIL

MAR 12 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
KURASHIMA, AKIHISA	:	DECISION ON REQUEST TO
Application No. 11/918,126	:	PARTICIPATE IN PATENT
Filed: October 10, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. MA-677-PCT-US	:	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 24, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

2 9 MAR 2010

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

In re Application of	:	
DAVIDSON et al.	:	DECISION
Application No.: 11/918,139	:	
PCT No.: PCT/GB2006/001605	:	
Int. Filing Date: 04 May 2006	:	
Priority Date: 05 May 2005	:	
Attorney's Docket No.: 006029.00026	:	
For: ENZYME INHIBITORS	:	

This decision is in response to applicants' submission filed 21 October 2008, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 04 May 2006, applicants filed international application PCT/GB2006/001605 which claimed a priority date of 05 May 2005 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 November 2007.

On 10 October 2007, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of inventors.

On 10 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES (Form PCT/DO/EO/922) requiring compliance with the sequence rules, 37 CFR §§ 1.821-1.825.

On 21 October 2008, applicants filed the instant petition under 37 CFR 1.181.

On 07 August 2009, the DO/EO/US mailed a NOTICE OF ACCEPTANCE (Form PCT/DO/EO/903) according the application both a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 10 October 2007.

DISCUSSION

The petition under 37 CFR 1.181 in effect requests that the Form PCT/DO/EO/922 mailed 10 October 2008 be vacated because it was mailed in error.

As noted in the petition filed 21 October 2008, the instant application does not require a Sequence Listing. Accordingly, the Form PCT/DO/EO/922 mailed 10 October 2008 requiring compliance with 37 CFR 1.821-1.825 is hereby VACATED.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/922 mailed 10 October 2008 is VACATED.

Although the NOTICE OF ACCEPTANCE OF APPLICATION mailed 07 August 2009 was mailed before the petition under 37 CFR 1.181 was decided, it does include the correct 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 dates and is hereby affirmed.

This application is being returned to the Technology Center.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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25 OCT 2007

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NATH & ASSOCIATES
112 South West Street
Alexandria, VA 22314

In re Application of
SCHULTE et al.
Application No.: 11/918,142
PCT No.: PCT/IB06/50995
Int. Filing Date: 03 April 2006
Priority Date: 04 April 2005
Attorney Docket No.: 82828
For: FILTER PRESS WITH NOVEL FILTER CAKE RELEASE MECHANISM

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 10 October 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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Ballard Spahr LLP
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999 PEACHTREE STREET
ATLANTA GA 30309-3915

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OFFICE OF PETITIONS

Applicant: Kralovec et al.
Appl. No.: 11/918,150
International Filing Date: June 13, 2006
Title: IMMOBILIZED ENZYMES AND METHODS OF USING THEREOF
Attorney Docket: 15113.0015U2
Pub. No.: US 2009/0042263 A1
Pub. Date: February 12, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 5, 2009, for the above-identified application.

The request is GRANTED.

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

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

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

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

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23 OCT 2007

LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON MA 02109-2127

In re Application of HUANG et al.	
Application No.: 11/918,153	
PCT No.: PCT/US06/05852	DECISION ON
Int. Filing: 17 February 2006	
Priority Date: 18 February 2005	PETITION TO REVIVE
Attorney Docket No.: MXI-334US	
For: HUMAN MONOCLONAL ANTIBODIES TO PROSTATE SPECIFIC MEMBRANE ANTIGEN (PSMA)	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 09 October 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $310 has now been provided. The required petition fee of $1540 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
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LAHIVE & COCKFIELD, LLP
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BOSTON, MA 02109-2127

In re Application of CARDARELLI et al :
U.S. Application No.: 11/918,178 :
PCT Application No.: PCT/US2006/005854 :
Int. Filing Date: 17 February 2006 : DECISION
Priority Date Claimed: 18 February 2005 :
Attorney Docket No.: MXI-333US :
For: MONOCLONAL ANTIBODIES AGAINST :
CD30 LACKING FUCOSYL RESIDUES :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 09 October 2007.

BACKGROUND

On 17 February 2006, applicant filed international application PCT/US2006/005854, which claimed priority of an earlier United States application filed 18 February 2005. The thirty-month period for paying the basic national fee in the United States expired on 18 August 2007.

International application PCT/US2006/005854 became abandoned as to the United States for failure to timely pay the basic national fee.

On 09 October 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

- With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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Giulio A. DeConti, Jr.,
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127

In re Application of	:	DECISION ON
CARDARELLI et al	:	
Application No.: 11/918,191	:	
PCT No.: PCT/US2006/005853	:	
Int. Filing Date: 17 February 2006	:	PETITION UNDER
Priority Date: 18 February 2005	:	
Attorney's Docket No.: MXI-335US	:	
For: MONOCLONAL ANTIBODIES...	:	
FUCOSYL RESIDUES	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 29 November 2006.

BACKGROUND

On 17 February 2006, this international application was filed, claiming an earliest priority date of 18 February 2005.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 18 August 2007. This international application became abandoned with respect to the United States at midnight on 18 August 2007 for failure to pay the required basic national fee.

On 09 October 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional

information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

/Bacares/

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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Robert D. Shedd
Thomson Licensing LLC
PO Box 5312
PRINCETON NJ 08543-5312

In re Application of:
SMITH, Gregory, Clark, et al.
U.S. Application No.: 11/918,194
PCT Application No.: PCT/US2005/045438
International Filing Date: 16 December 2005
Priority Date: 18 April 2005
Attorney's Docket No.: PU050057
For: HIGH DENSITY INTERACTIVE MEDIA GUIDE

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicant's "Petition Submittal Under 37 CFR 1.182" filed 23 January 2009, which seeks to correct the international application number to which the present national stage is directed, so as to allow such materials to be treated as the U.S national stage of PCT/US2005/045438. Applicant has paid the required petition fee.

BACKGROUND

On 16 December 2005, applicant filed international application PCT/US2005/045438. The international application claimed a priority date of 18 April 2005, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 18 October 2007.

On 09 October 2007, applicant filed papers to initiate a U.S. national stage application. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), a preliminary amendment, an executed declaration document, and payment of the basic national fee.

The first page of the Transmittal Letter filed 09 October 2007 appears to identify the international application as PCT/US2005/045433. However, the second page of the Transmittal Letter, as well as the preliminary amendment and the declaration, identify the international application as PCT/US2005/045438.

On 23 January 2009, applicants filed the "Petition Submittal Under 37 CFR 1.182 To Correct International Number" considered herein to correct the inconsistency in the international application number referred to in the national stage papers filed 09 October 2007 so that such materials can be treated as the U.S. national stage of PCT/US2005/045438.

DISCUSSION

As noted above, the first page of the Transmittal Letter filed 09 October 2007 incorrectly identified the international application to which the submission was directed as PCT/US2005/045433. Based on this indication, the submission was established in the USPTO as the U.S. national stage of the listed application, that is, PCT/US2005/045433. Correction of this indication is required before the materials filed 09 October 2007 can be treated as having been directed to international application PCT/US2005/045438, as necessary to avoid abandonment of such international application with respect to the United States.

In the present petition, applicant confirms that the listing of international application PCT/US2005/045433 on the first page of the Transmittal Letter was the incorrect (the result of a printer problem with respect to the intended number "8") and that the correct international application here is PCT/US2005/045438. The petition also notes that the correct international application number was listed throughout the materials filed on 09 October 2007, including the preliminary amendment and the declaration. In addition, the present petition was accompanied by the required petition fee.

The present submission satisfies the requirements for a grantable petition to correct the apparent error on the first page of the Transmittal Letter filed 09 October 2007 so as to permit such materials to be treated as having been directed to PCT/US2005/045438. Based on this correction, such materials, including the basic national fee, are treated as having been filed with respect to international application PCT/US2005/045438 on 09 October 2007, prior to the expiration of thirty months from the application's priority date.

It is noted that the declaration filed by applicants on 09 October 2007 appears to be a compilation of multiple documents and therefore is not acceptable as filed. See MPEP section 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." The compilation is evident from the fact that the three-page declaration document submitted by applicants includes one copy of "Page 1 of 2" and two different copies of "Page 2 of 2."

CONCLUSION

Applicants' petition under 37 CFR 1.182 to have the national stage application materials filed herein on 09 October 2007 treated as the U.S. national stage of international application PCT/US2005/045438 is **GRANTED**.

The present application, U.S. application number 11/918,194 will be treated as the national stage of PCT/US2005/045438.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including updating USPTO records to indicate that the present application is the U.S. national stage of PCT/US2005/045438 and the mailing of a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an acceptable oath or declaration in compliance with

37 CFR 1.497, as well as the surcharge for filing the acceptable oath or declaration later than thirty months after the priority date.

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19 DEC 2007

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
JEON, Byeong Moon et al.	:	
Application No.: 11/918,210	:	DECISION
PCT No.: PCT/KR2006/000359	:	
Int. Filing Date: 01 February 2006	:	ON PETITION UNDER
Priority Date: 01 February 2005	:	
Docket No.: 46500-000540/US/NPB	:	37 CFR 1.137(b)
For: METHOD AND APPARATUS FOR SCALABLY ENCODING/DECODING VIDEO	:	

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 11 October 2007 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee or oath or declaration has been submitted.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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06 NOV 2007

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In re Application of :
JEON et al. :
Application No.: 11/918,212 : DECISION ON PETITION
PCT No.: PCT/KR06/00233 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 20 January 2006 :
Priority Date: 21 January 2005 :
Attorney Docket No.: 46500-000543/US/NPB :
For: METHOD AND APPARATUS FOR ENCODING/DECODING VIDEO SIGNAL USING BLOCK PREDICTION INFORMATION :

The petition to revive under 37 CFR 1.137(b) filed 11 October 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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DEC 08 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
JEON, BYEONG MOON, et al.
Application No. 11/918,212
Filed: June 16, 2008
Attorney Docket No. 46500-000543/US/NPB

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 for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 10, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

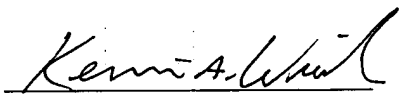
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation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

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

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

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

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



Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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In re Application of: JEON, Byeong, Moon, et al. :
U.S. Application No.: 11/918,214 :
Int'l Application No: PCT/KR2006/000990 :
Int'l Filing Date: 17 March 2006 :
Priority Date: 17 March 2005 :
Atty Docket No.: 46500-000541/US/NPB :
For: METHOD FOR DECODING VIDEO SIGNAL ENCODED USING INTER-LAYER PREDICTION :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 11 October 2007 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 17 September 2007 due to applicants' failure to submit the basic national fee prior to the expiration of thirty months from the priority date.

The statement in the petition that "the entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

Applicants have now submitted the basic national fee, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the United States.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicants have not filed an oath or declaration in compliance with 37 CFR 1.497.

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RESTON VA 20195

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AUG 25 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
JEON, BYEONG MOON, et al. :
Application No. 11/918,214 :
Filed: October 14, 2008 :
Attorney Docket No.: **46500-000541/US/NPB**: :
:

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 30, 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 KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

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

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

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

03 DEC 2007

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30593
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 8910
Reston, VA 20195

In re Application of:
SHIN *et al*
U.S. Application No.: 11/918,215
PCT No.: PCT/KR2006/000651
Int. Filing Date: 24 February 2006
Priority Date: 24 February 2005
Docket No.: 46500-000542/US/NPD
For: METHOD FOR UP-SAMPLING/ DOWN-SAMPLING DATA OF A VIDEO BLOCK

DECISION

This decision is in response to applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 11 October 2007 which is hereby **GRANTED** as follows:

The basic national fee, search fee, examination fee, surcharge fee and petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. All requirements of 37 CFR 1.137(b) are satisfied.

An oath/declaration was not provided.

This application is being forwarded to the Office of Patent Application Processing for the mailing of a Form PCT/DO/EO/905 requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

12/03/2007 SBASHEIR 00000005 11918215
01 FC:1453 1540.00 OP

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Alexandria, VA 22313-1450
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25 OCT 2007

Gary D. Yacura
Harness, Dickey & Pierce, P.L.C.
P.O. Box 8910
Reston, VA 20195

In re Application of :
JEON, et al. :
Application No.: 11/918,217 :
PCT No.: PCT/KR06/00234 : DECISION ON PETITION
Int. Filing Date: 20 January 2006 :
Priority Date: 21 January 2005 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: 46500-000543/US/NPC :
For: METHOD AND APPARATUS FOR ENCODING/ :
DECODING VIDEO SIGNAL USING BLOCK :
PREDICTION INFORMATION :

The "Notice of Revival" filed 11 October 2007 in the above-captioned application is being treated as a petition to revive under 37 CFR 1.137(b). The petition is hereby **DISMISSED** as follows:

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). Applicant has satisfied items 1 and 2. Specifically, payment of the full U.S. Basic National fee has been provided and the $1540.00 petition fee will be charged to deposit account number 08-0750 as authorized. Item 4 does not apply.

Regarding item (3), applicant has not included a statement that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional nor equivalent statement which would satisfy 37 CFR 1.137(b)(3).

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

Please direct further correspondence with respect to this matter 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.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

03 JAN 2008

Gary D. Yacura
Harness, Dickey & Pierce, P.L.C.
P.O. Box 8910
Reston, VA 20195

In re Application of	
JEON, et al.	
Application No.: 11/918,217	
PCT No.: PCT/KR06/00234	DECISION ON RENEWED
Int. Filing Date: 20 January 2006	
Priority Date: 21 January 2005	PETITION UNDER
Atty. Docket No.: 46500-000543/US/NPC	
For: METHOD AND APPARATUS FOR ENCODING/ DECODING VIDEO SIGNAL USING BLOCK PREDICTION INFORMATION	37 CFR 1.137(b)

The renewed petition to revive under 37 CFR 1.137(b) filed 21 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3). It appears that the second page of applicant's original petition filed 11 October 2007 was misplaced during processing resulting in the dismissal of the petition. A review of USPTO records finds that this has been resolved.

A review of the application file reveals that applicant has provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

17 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
RÜTTIMANN, August, et al.	:	
Application No.: 11/918,220	:	DECISION ON
PCT No.: PCT/EP2006/003252	:	
Int. Filing Date: 10 April 2006	:	REQUEST
Priority Date: 18 April 2005	:	
Attorney's Docket No.: BHD-4662-652	:	UNDER 37 CFR 1.42
For: PROCESS FOR THE MANUFACTURE OF HYDROXYLATED ISOFLAVONES	:	

This decision responds to applicants' request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 30 December 2008.

BACKGROUND

On 04 November 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905).

On 30 December 2008, applicants filed this request for status under 37 CFR 1.42.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 C.F.R. 1.42.

Applicants have submitted a declaration executed by each of the heirs of Mr. August Rüttimann. The declaration lists the inventors and their citizenships and each of the heirs of Mr. Rüttimann and their citizenships, addresses and residences. Submission of a declaration by all of the heirs or by the sole heir is considered an indication that a legal representative has not been nor is one required to be appointed under applicable law and that the authority of the heirs is comparable to the authority of a legal representative. If this is not correct, the Office must be notified immediately and applicant must submit a declaration executed by the legal representative, stating the relationship.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application is being forwarded to the National Stage Processing Division of the Office of the Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WENDEROTH, LIND & PONACK L.L.P.
2033 K. Street, NW
Suite 800
Washington, DC 20006-1021

APR 16 2008

In re Application of	:	DECISION ON REQUEST TO
Toshiro MATSUMOTO et al.	:	PARTICIPATE IN PATENT
Application No. 11/918250	:	PROSECUTION HIGHWAY
Filed: October 11, 2007	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 2007-1700A	:	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 April 2, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

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

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

Kathryn Gorgos
TQAS TC 1700

WENDEROTH, LIND & PONACK L.L.P.
2033 K. Street, NW
Suite 800
Washington, DC 20006-1021

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MICHAEL TOBIAS
1629 K ST NW
SUITE 300
WASHINGTON DC 20006

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APR 0 3 2009

OFFICE OF PETITIONS

In re Application of	:	
Rikiya Kato, et al.	:	
Application No. 11/918,255	:	DECISION ON PETITION
Filed: December 18, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1112	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 18, 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 the applicant Rikiya Kato, 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 1793 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

\United States Patent and Trademark Office

2 8 NOV 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of :
HAN et al. :
Application No.: 11/918,356 :
PCT No.: PCT/EP2006/003431 :
Int. Filing Date: 13 April 2006 : DECISION
Priority Date: 15 April 2005 :
Attorney Docket No.: 131111-00065-US :
For: Method For Recovering A Basic Amino :
Acid From A Fermentation Liquor :

This is in response to the request for withdrawal filed on 25 June 2008.

DISCUSSION

Counsel requests withdrawal from the representation on the basis of reasons as "described in 37 CFR 10.40(b)(4)." 37 CFR 1.36(b) provides that

> A registered patent attorney or patent agent who has been given a power of attorney pursuant to § 1.32(b) may withdraw as attorney or agent of record upon application to and approval by the Director. The applicant or patent owner will be notified of the withdrawal of the registered patent attorney or patent agent. Where power of attorney is given to the patent practitioners associated with a Customer Number, a request to delete all of the patent practitioners associated with the Customer Number may not be granted if an applicant has given power of attorney to the patent practitioners associated with the Customer Number in an application that has an Office action to which a reply is due, but insufficient time remains for the applicant to file a reply. See § 41.5 of this title for withdrawal during proceedings before the Board of Patent Appeals and Interferences.

While 37 CFR 10.40 provides in part that

> (b) *Mandatory withdrawal.* A practitioner representing a client before the Office shall withdraw from employment if:
>
> (4) The practitioner is discharged by the client.

The reference to 37 CFR 10.40(b)(4) is interpreted as a statement that the client has discharged counsel associated with Customer Number 23416. It is noted that the signed declaration filed on 12 October 2007 appointed "the registered practitioner(s) associated with Customer Number 23416." Since counsel indicates that the reason for withdrawal is a mandatory reason, it would be appropriate accept the request for withdrawal from the representation.

DECISION

The request is **ACCEPTED**, without prejudice.

This application is being forwarded to the Office of Patent Application Processing. The correspondence address is being updated to that associated with Customer Number 00959.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

2 3 NOV 2007

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NATH & ASSOCIATES
112 South West Street
Alexandria VA 22314

In re Application of	:	
SCHULTE et al.	:	
Application No.: 11/918,409	:	DECISION ON
PCT No.: PCT/IB2006/050996	:	
Int. Filing Date: 03 April 2006	:	PETITION UNDER
Priority Date: 04 April 2005	:	
Attorney Docket No.: 82827	:	37 CFR 1.137(b)
For: FILTER PRESS WITH NOVEL FILTER PACK CLAMPING ARRANGEMENT	:	

This decision is in response to applicants' submission filed 12 October 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 03 April 2006, applicant filed international application PCT/IB2006/050996 which designated the U.S. and claimed a priority date of 04 April 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 12 October 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 October 2007.

On 12 October 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, the surcharge under 37 CFR 1.492(h), and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 12 October 2007.

As to item (2), applicant submitted the petition fee on 12 October 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of :
JEON, BYEONG MOON, et al. :
Application No. 11/918,441 :
Filed: October 10, 2008 :
Attorney Docket No.: 46500-000546/US/NPB :

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 30, 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 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 Michael Horabik at 571-272-3068.

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

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

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CONNOLLY BOVE LODGE & HUTZ, LLP
P.O. 2207
WILMINGTON, DE 19899

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OFFICE OF PETITIONS

In re Application of :
Jong-Soo CHOI, et al :
Application No. 11/918,502 : DECISION ON PETITION
Filed: November 5, 2007 : TO WITHDRAW
Attorney Docket No. 15948-00002-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 June 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 Mark E. Freeman on behalf of all attorneys associated with Customer Number 23416.

All attorneys associated with Customer Number 23416 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 assignee 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: BASF AKTIENGESELLSCHAFT
PATENTS, TRADEMARKS & LICENSES
CARL-BOSCH-STRASSE; GVX-C006
D-67056 LUDWIGSHAFEN
GERMANY

cc: LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

07 JAN 2008
United States Patent and Trademark Office

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY, CA 94019

In re Application of	:	
Sjostrom	:	
Application No.: 11/918,576	:	DECISION
PCT No.: PCT/SE05/00560	:	
Int. Filing Date: 19 April 2005	:	ON
Priority Date: 15 April 2005	:	
Attorney Docket No.: MLSE 1082-1	:	PETITION
For: Method For A Multiple Exposure Beams Lithopraphy Tool	:	

This is in response to the petitions filed on 27 November 2007 and 30 October 2007.

BACKGROUND

This international application was filed on 19 April 2005, claimed an earlier priority date of 15 April 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 19 October 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 15 October 2007. The basic national fee was received on 16 October 2007. Therefore, this international application became abandoned with respect to the national stage in the United States for failure to timely pay the basic national fee.

DISCUSSION

Petitioner requests that the correspondence and fees received on 16 October 2007 be regarded as filed on 15 October 2007 in view of their having been filed via Express Mail. Petitioner does not clearly indicate whether relief is being sought under 37 CFR 1.10(c) or 1.10(d).

Under 37 CFR 1.10(c), where a discrepancy can be shown between the filing date accorded to correspondence by the USPTO and the date of deposit as shown as the "date-in" on the "Express Mail" mailing label or other USPS notation, the Commissioner may be petitioned to accord the correspondence a filing date as of the "date-in" or other official USPS notation. The instant petition complies with **37 CFR 1.10(c)(1)**.

Regarding **37 CFR 1.10(c)(2),** review of the correspondence in question reveals that an Express Mail mailing label number, EM059377375US, was recorded on the Transmittal Letter accompanying and itemizing the filing of the correspondence in question; as such, 37 CFR 1.10(c)(2) has been satisfied.

With regard to **37 CFR 1.10(c)(3),** petitioner has not provided a copy of the Express Mail mailing label, number EM059377375US, nor has any other USPS evidence been furnished to show the deposit of the correspondence as Express Mail on 15 October 2007. As such, it would not be appropriate to conclude that 37 CFR 1.10(c)(3) has been satisfied on the basis of the present record.

Alternatively, considering the petition under 37 CFR 1.10(d), **37 CFR 1.10(d)(1)** and **37 CFR 1.10(d)(2)** have been satisfied. With respect to **37 CFR 1.10(d)(3)**, petitioner has not provided a copy of the Express Mail mailing label, number EM059377375US, nor any other USPS evidence, to show the

deposit of the correspondence as Express Mail on 15 October 2007. Petitioner has provided what appears to be a transcript of a telephone message left by Bill Kennedy soon after the deposit of the correspondence, but the statement signed by Mr. Kennedy does not reference this transcript (that is, Mr. Kennedy does not confirm that the document is in fact a transcript of a telephone message he left within one business day after depositing the Express Mail parcel in question with the USPS, referring specifically to the application in question). The remaining testimonial evidence is not persuasive because it does not appear to have arisen within one business day after the deposit of the parcel. For these reasons, it would not be appropriate to conclude that 37 CFR 1.10(d)(3) has been satisfied at this time.

DECISION

The petition is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

0 9 JUN 2008

United States Patent and Trademark Office

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HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY, CA 94019

In re Application of	:	
Sjostrom	:	
Application No.: 11/918,576	:	DECISION
PCT No.: PCT/SE05/00560	:	
Int. Filing Date: 19 April 2005	:	ON
Priority Date: 15 April 2005	:	
Attorney Docket No.: MLSE 1082-1	:	PETITION
For: Method For A Multiple Exposure Beams Lithopraphy Tool	:	

This is in response to the renewed petitions under 37 CFR 1.10(d) filed on 23 January 2008 and 27 March 2008.

DISCUSSION

In a Decision mailed on 07 January 2008, the petitions filed on 27 November 2007 and 30 October 2007 were treated under 37 CFR 1.10(c) or, alternatively, 37 CFR 1.10(d). The petitions were dismissed, without prejudice, because

> *With regard to **37 CFR 1.10(c)(3)**, petitioner has not provided a copy of the Express Mail mailing label, number EM059377375US, nor has any other USPS evidence been furnished to show the deposit of the correspondence as Express Mail on 15 October 2007. As such, it would not be appropriate to conclude that 37 CFR 1.10(c)(3) has been satisfied on the basis of the present record.*
>
> *Alternatively, ...With respect to **37 CFR 1.10(d)(3)**, petitioner has not provided a copy of the Express Mail mailing label, number EM059377375US, nor any other USPS evidence, to show the deposit of the correspondence as Express Mail on 15 October 2007. Petitioner has provided what appears to be a transcript of a telephone message left by Bill Kennedy soon after the deposit of the correspondence, but the statement signed by Mr. Kennedy does not reference this transcript (that is, Mr. Kennedy does not confirm that the document is in fact a transcript of a telephone message he left within one business day after depositing the Express Mail parcel in question with the USPS, referring specifically to the application in question). The remaining testimonial evidence is not persuasive because it does not appear to have arisen within one business day after the deposit of the parcel. For these reasons, it would not be appropriate to conclude that 37 CFR 1.10(d)(3) has been satisfied at this time.*

In response, petitioner has provided signed declarations by Bryce Current and Michael Balidio showing that the voice mail message of Atty. Bill Kennedy was recorded at approximately 11:30 pm on 15 October 2007 and that Mr. Current transcribed the voice mail message on 16 October 2007. It is clear from the evidence presented that the recording and the transcription both occurred within 24 hours of the deposit of the correspondence as Express Mail. Petitioner has also provided a signed statement by Sharon Gray of the USPS, which indicates that the post office in question was open until midnight on 15 October 2007, and that an Express Mail parcel handed to a clerk at that post office at 11:30 PM on 15 October 207 should have been accorded a date-in of 15 October 2007. In view of the totality of the evidence now of record, it would be appropriate to conclude that 37 CFR 1.10(d)(3) has been satisfied. As such, the basic national fee was timely filed. Accordingly, this international application did not become abandoned with respect to the national stage in the United States for failure to timely pay the basic national fee.

DECISION

The petition under 37 CFR 1.10(d) is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
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18 SEP 2009

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In re Application of :
SJOSTROM, Fredrik :
Application No.: 11/918,576 :
Filed: December 3, 2008 : DECISION ON PETITION
Attorney Docket No.: MLSE 1082-1 :
For: METHOD FOR A MULTIPLE EXPOSURE :
BEAMS LITHOGRAPHY TOOL :

This decision is issued in response to the "Petition for Benefit of the Prior-Filed Application under 35 CFR 1.78(a)(3) for Unintentional Delay and Request for Updated Filing Receipt" filed June 22, 2009 to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed international applications set forth in the application data sheet filed concurrently with the instant petition.

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 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(s), unless previously submitted;

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

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

The present petition fails to comply with item (1) above.

The amendment fails to state the relationship of International Application No. PCT/SE2005/000560 filed April 19, 2005, to International Application No. PCT/SE2005/000542 filed April 15, 2005. (See 37 CFR 1.78(a)(2)(i)) The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of International Application No. ---, filed---." A benefit claim that merely states: "This application claims the benefit of International Application No. ---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. See MPEP Section 201.11. Furthermore 201.11(III)(C), Reference to Prior Application states (emphasis added):

> The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. **Appropriate references must be made in each intermediate application in the chain of prior applications.** If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A.

Therefore, 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 must be filed in the present application. Additionally, a petition under 37 CFR 1.78(a)(3) and an appropriate amendment or ADS must be filed in application PCT/SE2005/000560 to add a proper reference to PCT/SE2005/000542. Moreover, applicant is advised that an ADS must bear a proper signature as required by 37 CFR 1.33(b) and 10.18. The most recent version of Form PTO/SB/14 contains an appropriate signature block. The form can be obtained at http://www.uspto.gov/ebc/portal/efs/sb0014.fill.pdf. Applicant is further advised that a supplemental ADS must be titled in accordance with 37 CFR 1.76(c)(2).

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

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

By fax: (571) 273-0459
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

Bryan Lin

Bryan Lin
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Office of PCT Legal Administration

13 NOV 2007

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HALF MOON BAY CA 94019

In re Application of	:	
LJUNGBLAD	:	
Application No.: 11/918,577	:	DECISION ON PETITION
PCT No.: PCT/SE05/00543	:	
Int. Filing Date: 15 April 2005	:	UNDER 37 CFR 1.10(d)
Priority Date: None	:	
Atty. Docket No.: MLSE 1083-1	:	
For: IMAGE ENHANCEMENT TECHNIQUE	:	

This is a decision on applicant's "PETITION TO ACCORD A FILING DATE AS OF THE DATE THAT EXPRESS MAIL WAS HANDED TO A USPS EMPLOYEE" filed 30 October 2007 in the United States Patent and Trademark Office (USPTO). The petition is being considered pursuant to 37 CFR 1.10(d). No petition fee is required.

BACKGROUND

On 09 January 2004, applicant filed international application PCT/SE05/00543. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 19 October 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 15 October 2007.

On 16 October 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment and an application data sheet.

On 30 October 2007, applicant filed the present petition arguing that the papers at issue were filed as an Express Mail mailing on 15 October 2007 but the United States Postal Service accorded a "Date-In" date of 16 October 2007.

DISCUSSION

37 CFR 1.10(a) states:

(1)Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.

(2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other

official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

A review of the Express Mail label for the subject mailing, EM059377389US shows a "date-in" date of "10-16-07." Thus, the USPTO did correctly accorded a receipt date of 16 October 2007 pursuant to 37 CFR 1.10(a). 37 CFR 1.10(d) provides relief in cases where applicant can show an error or discrepancy between the date of deposit and the date written in as the "date-in" date by the USPS.

37 CFR 1.10(d) states:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, 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 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 showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last schedule 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 correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Applicant has satisfied items 1 and 2.

Regarding item 3, while applicant has included a dictation of the voice message from Mr. Bill Kennedy regarding his depositing of the subject Express Mail parcel, this piece of evidence alone does not satisfy item 3. The Manual of Patent Examining Procedure details the evidence necessary for a grantable petition under 37 CFR 1.10(d) in section 513. It explains, in part:

> 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.

While the voice mail message was made after deposit and within one day of deposit, it is lacking some information which could be provided with a firsthand statement from Mr. Kennedy or the USPS. Specifically, the supporting evidence does not disclose what the last scheduled pick-up for the day was at the post office in question. In order to be granted applicant should provide evidence from the USPS or via a supporting firsthand statement from Mr. Kennedy that the Express Mail package in question was handed to the USPS employee prior to the last scheduled pick-up for Express Mail.

For the reasons above, it is not possible to grant applicant's petition under 37 CFR 1.10(d) at this time.

A review of the application file finds that as the petition has not been granted, applicant's payment of the U.S. basic national fee did not occur prior to the expiration of thirty months from the priority date and this application is considered abandoned.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.10(d) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Petition For Withdrawal of Holding of Abandonment and Renewed Petition Under 37 CFR 1.10(d)."

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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In re Application of	:	
LJUNGBLAD	:	DECISION ON RENEWED
Serial No.: 11/918,577	:	
PCT No.: PCT/SE05/00543	:	PETITION UNDER
Int. Filing Date: 15 April 2005	:	
Priority Date: None	:	37 CFR 1.10(d)
Atty Docket No.: MLSE 1083-1	:	
For: IMAGE ENHANCEMENT TECHNIQUE	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.10(d) filed 27 November 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 November 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.10(d). Applicant was afforded two months to file any request for reconsideration.

On 27 November 2007, applicant filed the present renewed petition under 37 CFR 1.10(d) seeking a filing date of 15 October 2007.

DISCUSSION

As detailed in the decision mailed 13 November 2007, in order to be granted, a petition under 37 CFR 1.10(d) must be:

1) 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 filed papers; and

3) The petition includes a showing to the satisfaction of the Director 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.

Applicant previously satisfied items (1) and (2).

As to item (3), applicant has included statements from the petitioning attorney and co-counsel, Mr. Kennedy attesting to the fact that the post office used for deposit is open for

business until midnight every day. In addition, applicant has included a signed statement from Mr. Kennedy that on 15 October 2007, at about 11:20 P.M. he handed his prepaid Express Mail package to a USPS employee for deposit. Mr. Kennedy states that he was assured by the USPS employee that the parcel would be processed as having been accepted on that date. As detailed in the petition and previous decision, the Express Mail mailing in question has a "Date-In" date of 16 October 2007.

37 CFR 1.10(b) cautions that "correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked." MPEP section 513 further states that, "On petition, the failure to obtain an "Express Mail" receipt with the "date-in" clearly marked may be considered an omission that could have been avoided by the exercise of due care, as discussed below." In the present case, Mr. Kennedy states that while he did deposit the mailing directly with a USPS employee, he did not receive a copy of the mailing label at that time. Applicant has not included any evidence from the USPS to show that the "date-in" date is incorrect. While, applicant has previously provided a transcription of a voice mail message Mr. Kennedy purportedly made after giving the mailing to the USPS employee, this message does not carry the same evidentiary weight as a mailing log as the mailing in question does not appear within a list of other mailings. Standing alone, the evidence presented to date does not overcome the presumption that the "date-in" date of 16 October 2007, entered by an impartial party, is correct.

It is noted that the USPS track and confirm database shows acceptance of the mailing on October 16, 2007, 8:00 am, San Francisco, CA 94125 and processing of the mailing on October 16, 2007, 8:22 am, San Francisco, CA 94128. The post office may be able to provide a statement as to the mailing in question and whether it is possible to receive a mailing at zip code 94125 and process it at zip code 94128 within the time period indicated.

CONCLUSION

For the reasons detailed above, applicant's renewed petition under 37 CFR 1.10(d) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10(d)."

Please direct future correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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12 FEB 2008

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In re Application of	:	
LJUNGBLAD	:	
Application No.: 11/918,577	:	DECISION ON RENEWED
PCT No.: PCT/SE05/00543	:	
Int. Filing Date: 15 April 2005	:	PETITION UNDER
Priority Date: None	:	
Atty. Docket No.: MLSE 1083-1	:	37 CFR 1.10(d)
For: IMAGE ENHANCEMENT TECHNIQUE	:	

This is a decision on applicant's renewed petition under 37 CFR 1.10(d) filed 23 January 2008 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 03 January 2008, applicant was mailed a decision dismissing applicant's renewed petition under 37 CFR 1.10(d). Applicant was afforded two months to file any request for reconsideration.

On 23 January 2008, applicant filed the renewed petition discussed herein.

DISCUSSION

As explained in the decision mailed 03 January 2008,

37 CFR 1.10(d) states:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, 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 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 showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last schedule 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 correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Applicant previously satisfied items 1 and 2.

Applicant's current submission includes signed declarations from Mr. Bryce Current and Mr. Michael Balidio showing that the voice mail message of Mr. Bill Kennedy was recorded at approximately 11:30 pm on 15 October 2007 and that Mr. Current transcribed the voice mail message on 16 October 2007. It is clear from the evidence presented that the recording and the transcription both occurred within 24 hours of the deposit of the mailing. Taken in concert with the previous declaration of attorney Kennedy, applicant has conclusively shown that the Express Mail mailing in question was deposited with the United States Postal Service (USPS) prior to midnight on 15 October 2007. However, applicant has not provided a proper showing that the mailing was handed over to the USPS employee prior to the last scheduled pickup as required by 37 CFR 1.10(d)(3). The USPS website shows that the Post Office in question at 660 W. Field Road, San Francisco, CA 94128-9741 is open until 11:59PM, seven days a week. Yet, the website also lists the "last daily collection" time as 08:00PM. Thus, it is unclear whether this Post Office accepts Express Mail mailings after 08:00PM with the according of the same date of deposit or whether an Express Mail mailing deposited after 08:00PM on 15 October 2007 would be accorded a "Date-In" date of 16 October 2007.

For the reasons above, it is not possible to grant applicant's petition under 37 CFR 1.10(d) at this time.

A review of the application file finds that as the petition has not been granted, applicant's payment of the U.S. basic national fee did not occur prior to the expiration of thirty months from the priority date and this application is considered abandoned.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.10(d) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Petition For Withdrawal of Holding of Abandonment and Renewed Petition Under 37 CFR 1.10(d)."

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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10 APR 2008

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Haynes Beffel & Wolfeld, LLP
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Half Moon Bay, CA 94019

In re Application of	:	
LJUNGBLAD	:	DECISION ON RENEWED
Serial No.: 11/918,577	:	
PCT No.: PCT/SE05/00543	:	PETITION UNDER
Int. Filing Date: 15 April 2005	:	
Priority Date: None	:	37 CFR 1.10(d)
Atty Docket No.: MLSE 1083-1	:	
For: IMAGE ENHANCEMENT TECHNIQUE	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.10(d) filed 27 March 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 February 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.10(d). Applicant was afforded two months to file any request for reconsideration.

On 28 March 2008, applicant filed the present renewed petition under 37 CFR 1.10(d) seeking a filing date of 15 October 2007.

DISCUSSION

As detailed in the decision mailed 12 February 2008, in order to be granted, a petition under 37 CFR 1.10(d) must be:

1) 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 filed papers; and

3) The petition includes a showing to the satisfaction of the Director 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.

Applicant previously satisfied items (1) and (2).

As to item (3), applicant has presently included a signed statement from Sharon Gray, Manager, Customer Service for the United States Postal Service at the Post Office where the

Express Mail mailing at issue was deposited. In her statement, Ms. Gray states that the San Francisco Airport (SFO) Post Office is open until midnight and, notwithstanding the information posted on the website that the time of last daily collection is "8:00pm", accepts mail each day until closing. Applicant has previously shown that the Express Mail mailing in question was handed to a USPS employee prior to midnight on 15 October 2007. Ms. Gray's statement makes clear that an Express Mail mailing given to a USPS employee prior to midnight on 15 October 2007 should have been accorded a date-in date of 15 October 2007. As such, applicant has satisfied the remaining item and it is proper to grant the renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.10(d) is **GRANTED**.

As the application has been accorded a filing date of 15 October 2007, the payment of the full, U.S. basic national fee was provided prior to the expiration of thirty months from the earliest claimed priority date.

This application is being forwarded to the PCT Operations, National Stage for continued processing.

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24 JUL 2009

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In re Application of :
FREIDRICH *et al* :
U.S. Application No.: 11/918,585 :
PCT No.: PCT/DE2006/000825 :
Int. Filing Date: 12 May 2006 : **DECISION**
Priority Date: 12 May 2005 :
Attorney Docket No.: 5007/PCT :
For: PRINTED CIRCUIT BOARD :

Applicants' "Request for Corrected Notice of Acceptance of Application" filed on 05 June 2009 is treated under 37 CFR 1.181 and hereby **GRANTED** as follows:

The Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) mailed 24 November 2008 recorded the date of completion of 35 U.S.C. 371 requirements as 12 November 2007 (the thirty-month date).

Section 1893.03(b)(E) of the MPEP states that the date of completion of 35 U.S.C. 371 requirements is the earlier of 30 months from the priority date, or the date of request for early processing under 35 U.S.C. 371 (f) if requested prior to 30 months from the priority date. Applicants submitted an express request for early processing pursuant to 35 USC 371(f) on 15 October 2007.

Accordingly, the Form PCT/DO/EO/903 mailed 24 November 2008 contains erroneous information and is **VACATED**.

This application is being forwarded to the national stage division of the USPTO for the mailing of a corrected Form PCT/DO/EO/903 indicating the date of completion of 35 U.S.C. 371 requirements of 15 October 2007.

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23 MAR 2009

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KENYON & KENYON LLP
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NEW YORK NY 10004

In re Application of :
LUNGWITZ, et al. :
Application No.: 11/918,587 :
PCT No.: PCT/EP2006/061341 : DECISION ON PAPERS
Int. Filing Date: 05 April 2006 :
Priority Date: 21 April 2005 : UNDER 37 CFR 1.42
Attorney Docket No.: 10191/4945 :
For: METHOD FOR SELECTING ELEMENTS :
IN A DRIVER INFORMATION SYSTEM :
OR IN A NAVIGATION SYSTEM OR IN :
A MOBILE TERMINAL :

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The declaration filed 13 January 2009 is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 05 April 2006, applicant filed international application PCT/EP2006/061341 which claimed priority to an earlier application filed 21 April 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 26 October 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the full, U.S. basic national fee was set to expire on 21 October 2007.

On 15 October 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application; an Information Disclosure Statement and a preliminary amendment.

On 18 November 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 13 January 2009, applicant filed the declaration discussed herein.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 13 January 2009 was executed by an heir to the estate of deceased inventor, Horst Wettstein. However, the filed declaration does not satisfy the requirements under 37 CFR 1.497(b). Specifically, the oath or declaration must at a minimum provide the citizenship of the deceased inventor, as well as, state the relationship of the signing individual to the non-signing inventor. While the declaration does state that the individual is an heir to the estate of the deceased inventor, the declaration provides only the residence, citizenship, and post office address for the inventor. The heir has not been named, nor his or her citizenship provided. Accordingly, the declaration is not in compliance with 37 CFR 1.497(a)(3). Applicant should also review 37 CFR 1.497(c) as an application data sheet has not been filed in the present application.

In addition, the declaration contains a non-initial alteration for inventor Stefan Lueer and therefore is not in compliance as to this inventor.

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
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13 APR 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of	:	
LUNGWITZ, et al.	:	
Application No.: 11/918,587	:	
PCT No.: PCT/EP2006/061341	:	SUPPLEMENTAL
Int. Filing Date: 05 April 2006	:	DECISION
Priority Date: 21 April 2005	:	
Attorney Docket No.: 10191/4945	:	
For: METHOD FOR SELECTING ELEMENTS IN A DRIVER INFORMATION SYSTEM OR IN A NAVIGATION SYSTEM OR IN A MOBILE TERMINAL	:	

This decision supplements the decision on papers under 37 CFR 1.42 mailed 23 March 2009.

The request for status under 37 CFR 1.42 was refused as the declaration did not provide the name of the heir, contained non-initialed alterations and provided the residence, citizenship, and post office address for only the inventor. Applicant is further advised that it appears the individual is signing the declaration as an heir and not legal representative though s/he is identified as both "joint heir and legal representative." If signing as the heir, applicant is required to provide a statement that the heir listed on the declaration represents all of the heirs of the deceased and that a legal representative has not been appointed nor is statutorily required to be appointed.

The extendable two month period for reconsideration continues to run from the original mail date of 23 March 2009.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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NEW YORK NY 10004

In re Application of :
LUNGWITZ, et al. :
Application No.: 11/918,587 :
PCT No.: PCT/EP2006/061341 : DECISION ON PAPERS
Int. Filing Date: 05 April 2006 :
Priority Date: 21 April 2005 : UNDER 37 CFR 1.42
Attorney Docket No.: 10191/4945 :
For: METHOD FOR SELECTING ELEMENTS :
IN A DRIVER INFORMATION SYSTEM :
OR IN A NAVIGATION SYSTEM OR IN :
A MOBILE TERMINAL :

This decision is in response to applicant's renewed request for status under 37 CFR 1.42 filed 04 May 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 March 2009, applicant was mailed a decision refusing applicant's request for status. Applicant was afforded two months to file any request for reconsideration.

On 13 April 2009, applicant was mailed a supplemental decision advising applicant of a potential, additional requirement if the individual executing the declaration on behalf of the deceased inventor was an heir to the estate as opposed to the legal representative.

On 04 May 2009, applicant filed the response discussed herein.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 13 January 2009 was executed by an heir to the estate of deceased inventor, Horst Wettstein. However, the filed declaration did not satisfy the requirements under 37 CFR 1.497(b). While the declaration stated that the individual was an heir to the estate of the deceased inventor, the declaration provided only the residence, citizenship, and post office address for the inventor. The heir was not been named, nor his or her

citizenship provided. In addition, the declaration contained a non-initial alteration for inventor Stefan Lueer and therefore is not in compliance as to this inventor.

Applicant's present response contains a statement from counsel that the sole, legal heir is Ute Wettstein and is accompanied by a declaration executed by the heir. However, the declaration is not in compliance in that it does not list the other inventors of the application. In addition, the declaration merely lists the citizenship of the signing heir. As explained in 37 CFR 1.497(b)(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." In the present case, the sole heir is acting in lieu of an appointed legal representative and therefore this information is required for the signing heir. In addition, counsel has not provided a statement that a legal representative has not been appointed. Lastly, applicant has not supplied a newly executed oath or declaration of inventor Lueer whose initial declaration contained un-initialed, un-dated alteration.

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

3 1 AUG 2009

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KENYON & KENYON LLP
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NEW YORK NY 10004

In re Application of	:	
LUNGWITZ, et al.	:	
Application No.: 11/918,587	:	
PCT No.: PCT/EP2006/061341	:	DECISION ON PAPERS
Int. Filing Date: 05 April 2006	:	
Priority Date: 21 April 2005	:	UNDER 37 CFR 1.42
Attorney Docket No.: 10191/4945	:	
For: METHOD FOR SELECTING ELEMENTS IN A DRIVER INFORMATION SYSTEM OR IN A NAVIGATION SYSTEM OR IN A MOBILE TERMINAL	:	

This decision is in response to applicant's renewed request for status under 37 CFR 1.42 filed 13 August 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 June 2009, applicant was mailed a decision refusing applicant's request for status. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 13 August 2009, applicant filed the response discussed herein accompanied by a petition for a one-month extension of time. With the filing of the one-month extension of time request and payment of the appropriate extension of time fee the response is considered timely filed.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

With the filing of the present combined declaration and power of attorney applicant has satisfied all of the items raised in the previous decision and it is proper to grant applicant's renewed request for status under 37 CFR 1.42 at this time.

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 05 April 2006 and will be given a date of **13 August 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/918,604		Mototaka Yoshioka	2007_1711A	5878

52349 7590 03/20/2008
WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER	
ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
03/20/2008	PAPER

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

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

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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FROM DIRECTORS OFFICE

MAR 19 2008

TECHNOLOGY CENTER 3600

Wenderoth, Lind & Ponack L.L.P.
2033 K. Street, NW
Suite 800
Washington, DC 20006

In re application of	:	DECISION ON REQUEST TO
Mototaka Yoshioka	:	PARTICIPATE IN PATENT
Application No. 11/918,604	:	PROSECUTION HIGHWAY
Filed: November 16, 2006	:	PROGRAM AND PETITION
For: ROUTE INFORMATION DISPLAY	:	TO MAKE SPECIAL UNDER
DEVICE AND ROUTE INFORMATION	:	37 CFR 1.102(d)
DISPLAY METHOD	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 13, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

In light of the preliminary amendment filed March 13, 2008 and the IDS filed October 16, 2007, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

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

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 03/19/08

10 APR 2009

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of :
Young :
Application No. 11/918,616 :
PCT No.: PCT/EP2006/069489 :
Int. Filing Date: 08 December 2006 : DECISION
Eff. Priority Date: 16 December 2005 :
Atty. Docket No.: 059427-0114 :
For: Signal Processor And :
Signal Processing Method :

This is in response to the correspondence filed on 05 January 2009.

BACKGROUND

This international application was filed on 08 December 2006, claimed an earliest priority date of 16 December 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 21 June 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 16 June 2008. Applicants filed, *inter alia*, the basic national fee on 16 October 2007.

On 05 November 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h). The Notification noted that the "signature of the first inventor Angelo GENGHI is missing from the declaration."

DISCUSSION

Review of the declaration filed on 16 October 2007 reveals that it names and is signed by Phil Young, but that it does not name Angelo Genghi who was also nominated in the published international application. Counsel indicates that Mr. Genghi was removed as an inventor during the international phase, and has provided a copy of a corroborating Notification Of The Recording Of A Change (Form PCT/IB/306) mailed by the International Bureau on 05 September 2007. Accordingly, the inventive entity named on the declaration filed on 16 October 2007 was correct. Further inspection of said declaration reveals that it is compliant with 37 CFR 1.497(a) and (b). Thus, the surcharge under 37 CFR 1.492(h) is not required for the declaration.

DECISION

The declaration filed on 16 October 2007 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to Technology Center 3662 for further proceedings.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
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24 FEB 2010

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Ohlandt, Greeley, Ruggiero & Perle, LLP
One Landmark Square, 10th Floor
Stamford CT 06901

In re Application of :
MERCK, Erik Steck :
U.S. Application No.: 11/918,619 :
PCT No.: PCT/US2006/019453 :
Int. Filing Date: 19 May 2006 : DECISION ON PETITION
Priority Date: 20 May 2005 : (37 CFR 1.182)
Attorney Docket No.: 2147.035USU :
For: INDUCTIVE COUPLER FOR POWER LINE COMMUNICATIONS, HAVING A MEMBER THAT PROVIDES AN INTENDED PATH FOR A FLASHOVER TO DISCHARGE TO GROUND :

This decision is issued in response to applicant's "Request for Correction to Entry of Priority Claim" filed 03 November 2009. The petition, treated herein under 37 CFR 1.182, seeks to correct the international application number on the national stage application papers filed 16 October 2007 so as to allow such materials to be treated as the U.S. national stage of PCT/US2006/019453. The $400 petition fee has been charged to counsel's Deposit Account no. 01-0467, as authorized in the 03 November 2009 cover letter.

BACKGROUND

On 16 October 2007, applicant filed the present national stage application. The Transmittal Letter identified the application as the U.S. national stage of PCT/US2006/127460. The submission was assigned U.S. application number 11/918,619.

The materials filed 16 October 2007 included: (1) United States Patent Application Transmittal Form - Entering of U.S. National Stage under 35 U.S.C. 371 as a U.S. national stage of PCT/US2006/127460; (2) cover page of published international application WO2006/127460; (3) an application data sheet that identified the application as a national stage of PCT/US2006/019453 and (4) a fee payment of $620. Thus, the initial application materials filed 16 October 2007 identified two different international application numbers (PCT/US2006/127460 and PCT/US2006/019453) to which the national stage application was purportedly directed.

Based on USPTO processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2006/127460, the international application number set forth on the Transmittal Letter provided by applicant when filing the national stage application.

On 21 October 2009, the USPTO mailed a Notification Of Acceptance indicating that the application was a national stage of PCT/US2006/127460 (the filing receipt also listed the application as a national stage of PCT/US2006/127460).

On 03 November 2009, applicant filed the present petition.

DISCUSSION

As noted above, the bibliographical data provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 16 October 2007 can be treated as having been directed to international application PCT/US2006/019453, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition filed 03 November 2009, applicant confirms that the listing of international application PCT/US2006/127460 set forth in the United States Patent Application Transmittal Form provided by applicant was the result of a typographical error, and that the correct international application is PCT/US2006/019453. It is noted that the correct international application number was listed on the application data sheet that identified the application as a national stage of PCT/US2006/019453. The present petition filed 03 November 2009 is accompanied by payment of the required petition fee that properly identifies the application as the national stage of PCT/US2006/019453. These materials satisfy the requirements for a grantable petition to correct the typographical error in the bibliographical data filed 16 October 2007 and to permit such materials to be treated as having been directed to international application PCT/US2006/019453.

The petition to treat the present application as a national stage of PCT/US2006/019453 is granted. The Notification Of Acceptance and filing receipt mailed 21 October 2009 (both of which indicate that the application is a national stage of PCT/US2006/127460), are appropriately vacated. The Official Filing Receipt mailed 10 November 2009 remains in effect.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

The Notification Of Acceptance and filing receipt mailed 21 October 2009 are hereby VACATED based on their identification of the present application as a national stage of PCT/US2006/127460.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision, including correcting USPTO records so as to identify the present application as a national stage of PCT/US2006/019453 and issuing a corrected Notification Of Acceptance which properly identify the application as a national stage of PCT/US2006/019453 and include the proper priority information.

Anthony Smith
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Facsimile: 571-273-0459

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK NY 10036

In re Application of	:	
YASSOUR	:	
Application No.: 11/918,629	:	DECISION ON
PCT No.: PCT/IL2005/000752	:	
Int. Filing Date: 14 July 2005	:	PETITION UNDER
Priority Date: 15 July 2004	:	
Attorney Docket No.: P-70307-US	:	37 CFR 1.137(b)
For: HEAT-EXCHANGER DEVICE AND COOLING SYSTEM	:	

This decision is in response to applicant's submission filed 16 October 2007.

BACKGROUND

On 14 July 2005, applicant filed international application PCT/IL2005/000752 which designated the U.S. and claimed a priority date of 15 July 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 19 January 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 January 2007 (15 January 2007 being a Federal holiday).

On 16 October 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 16 October 2007.

As to item (2), applicant submitted the petition fee on 16 October 2007.

Best Available Copy

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of the inventor filed 16 October 2007 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) of $65 for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 50-3355.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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01 SEP 2009

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Buchanan, Ingersoll & Rooney PC
Post Office Box 1404
Alexandria, VA 22313-1404

In re Application of
FAHL, et al.
Application No.: 11/918,632
PCT No.: PCT/EP2006/003906
Int. Filing Date: 27 April 2006
Priority Date: 04 May 2005
Attorney Docket No.: 1034193-000120
For: METHOD AND SYSTEM FOR CORRECTIVE PLANNING AND OPTIMIZATION OF PROCESSING PROCESSES

: DECISION ON REQUEST

This decision is issued in response to applicants' "Response to Notification of Defective Response" filed 08 July 2009 notifying the Office that the name of the second inventor is IIRO HARJUNKOSKI as indicated on the Declaration of Inventorship under PCT Rule 4.17(iv) (and PCT Request) rather than Liro Harjukoski indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. Here, applicants' 08 July 2009 submission states that the name of the second inventor was listed incorrectly on the published international application and that the spelling of this inventor's name on the declaration (and PCT Request) is correct. Applicants' statement is construed that the spelling error contained in the published international application resulted from a typographical error. Accordingly, applicants' explanation of the difference in the spelling of the second inventor's name is accepted as IIRO HARJUNKOSKI and noted for the record.

The declaration of inventorship filed with international application under PCT Rule 4.17(iv) and 51bis.1(a)(iv) complies with 37 CFR 1.497, therefore, the Notification of Missing Requirements (Form PCT/DO/EO/905) and Notification of Defective Response are hereby **VACATED**.

For the reasons above, the request under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 27 April 2006 under 35 U.S.C. 363 and a 35 U.S.C. 371(c) date of **16 October 2007**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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0 5 DEC 2007

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ORLANDO, FL 32802-3791

In re Application of EBERT et al	:	
U.S. Application No.: 11/918,678	:	
PCT Application No.: PCT/US2005/010611	:	
Int. Filing Date: 31 March 2005	:	DECISION
Priority Date Claimed: 31 March 2004	:	
Attorney Docket No.: 1015041	:	
For: PNMT AS A NOEL MARKER FOR PROGENITOR CELLS	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 05 October 2007.

BACKGROUND

On 31 March 2005, applicant filed international application PCT/US2005/010611, which claimed priority of an earlier United States application filed 31 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 30 September 2006.

International application PCT/US2005/010611 became abandoned as to the United States for failure to timely pay the basic national fee.

On 05 October 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BASF Performance Products LLC
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591

Mail Date: 04/20/2010

Applicant	: Simon Broughton	: DECISION ON REQUEST FOR
Patent Number	: 7619046	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/918,693	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **84** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

0 9 NOV 2007

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NATIONAL INSTITUTE OF HEALTH
C/O NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309

In re Application of	:	DECISION ON
Strober et al	:	
Application No.: 11/918,711	:	
PCT No.: PCT/US2006/014393	:	
Int. Filing Date: 14 April 2006	:	PETITION UNDER
Priority Date: 15 April 2005	:	
Attorney's Docket No.: 14014.0410U3	:	
For: METHODS OF TREATING...	:	
NKT CELLS	:	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 16 October 2007.

BACKGROUND

On 14 April 2006, this international application was filed, claiming an earliest priority date of 15 April 2005.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 15 October 2007. This international application became abandoned with respect to the United States at midnight on 15 October 2007 for failure to pay the required basic national fee.

On 16 October 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional

information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

2 0 DEC 2007

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Deborah Neville
Neville Law Group
P.O.Box 61063
Palo Alto CA 94306

In re Application of	:	
CELIK, Mustafa et al.	:	
Application No.: 11/918,760	:	DECISION
PCT No.: PCT/US2006/009634	:	
Int. Filing Date: 17 March 2006	:	ON PETITION UNDER
Priority Date: 18 March 2005	:	
Docket No.: MC03182006	:	37 CFR 1.137(b)
For: STATISTICAL DELAY AND NOISE CALCULATION CONSIDERING CELL AND INTERCONNECT VARIATIONS	:	

Applicant's Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 18 October 2007 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant supplied a declaration of inventorship in compliance with 37 CFR 1.497(a)-(b), during the international phase. The fee for late filing of the search fee, examination fee or oath or declaration has not yet been furnished.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the fee for late furnishing of the search fee, examination fee or oath or declaration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE FL 33301

In re Application of SARKAR
Application No.: 11/918,773
PCT No.: PCT/US06/09454
Int. Filing: 15 March 2006
Priority Date: 15 March 2005
Attorney Docket No.: 7230-24PUS
For: BACK-OFF-STATE ASSIGNMENT FOR CHANNEL THROUGHPUT MAXIMIZATION...

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 18 October 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $155 has now been provided. The required petition fee of $770 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 18 October 2007.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of	:	
Murakata, Chikara	:	DECISION ON REQUEST TO
Application No. 11/918,778	:	PARTICIPATE IN PATENT
Filed: 10/18/2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 00005.001336.	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 14, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

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

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

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24 AUG 2009

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John W. Bailey
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Falls Church, VA 22040-0747

In re Application of YASUDA et al.
Application No.: 11/918,786
PCT Application No. PCT/JP06/315824
Int. Filing Date: 10 April 2006
Priority Date: 29 August 2005
Attorney Docket No.: 0445-0384PUS1
For: ABSORBENT SHEET

: DECISION ON
:
: PETITION UNDER
:
: 37 CFR 1.181
:
:
:
:
:

This decision is in response to applicant's request filed 23 January 2009 for correction of "Notice of Acceptance" as to the date of the completion of the 35 U.S.C. 371 requirements. The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 18 October 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied inter alia, by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application into English; an Information Disclosure Statement and a first preliminary amendment.

On 26 December 2008, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as of 5 December 2008.

On 23 January 2009, applicant filed a request for correction notification of acceptance. Applicant request that the date of receipt under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements change from 5 December 2008 to 18 October 2007.

On 26 March 2009, applicant filed a request for a new filing receipt with the filing date changed from 5 December 2008 to 4 March 2008.

DISCUSSION

A review of the international application finds on 18 October 2007, applicant satisfied requirements of 35 U.S.C. 371(c)(1) and (c)(2). A declaration of the inventors was provided on 4 March 2008. This declaration satisfies the requirement of 35 U.S.C. 371(c)(4). The date of receipt under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and filing date is 4 March 2008. Therefore, the 371(c) of the present application is 4 March 2008.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is GRANTED to the extent that the Notice of Acceptance will be changed to 04 March 2008.

If reconsideration on the merits of this request is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the corrected 371 date as detailed above.

/Brian Whiteman/
Detailee
Office of PCT Legal Administration
Telephone: 571-272-6095
Facsimile: 571-273-0459

Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

04 DEC 2007

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23650
NOVO NORDISK, INC.
Patent Department
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Princeton, NJ 08540

In re Application of:
DORWALD
U.S. Application No.: 11/918,795
PCT No.: PCT/EP2006/050720
Int. Filing Date: 07 February 2006
Priority Date: 08 February 2005
Attorney Docket No.: 7149.204-US
For: PROCESS FOR THE PREPARATION OF ALKOXYAMINE FUNCTIONALIZED POLYETHYLENE GLYCOLS

DECISION

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 17 October 2007 which is hereby **GRANTED** as follows:

The basic national fee, search fee, examination fee, surcharge fee and petition fee have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. All requirements of 37 CFR 1.137(b) are satisfied.

An oath/declaration was not provided.

This application is being forwarded to the Office of Patent Application Processing for the mailing of a Form PCT/DO/EO/905 requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

26 DEC 2007

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Myers & Kaplan
Intellectual Property Law
Cumberland Center II
3100 Cumberland Blvd., Suite 1400
Atlanta, GA 30339

In re Application of	:	
KINSKEY, Terry	:	
Application No.: 11/918,840	:	DECISION
PCT No.: PCT/US2006/007512	:	
Int. Filing Date: 02 March 2006	:	ON PETITION UNDER
Priority Date: 03 March 2005	:	
Docket No.: 31290-PCT11-CIP-US	:	37 CFR 1.137(b)
For: ADJUSTABLE RATCHET WRENCH	:	

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 19 October 2007 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee or oath or declaration has not yet been submitted.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the fee for late filing of the search fee, examination fee, or oath or declaration are required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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16 SEP 2009

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ATLANTA GA 30339

In re Application of	:	
KINSKEY, Terry	:	
Application No.: 11/918,840	:	
PCT App. No.: PCT/US2006/007512	:	DECISION
Int'l Filing Date: 02 March 2006	:	
Priority Date: 03 March 2005	:	
Attorney Docket No.: 31290-PCT11-CIP-US	:	
For: ADJUSTABLE RATCHET WRENCH	:	

This is in response to attorney's request to withdraw as attorneys of record, filed 05 May 2009, requesting permission to withdraw as agents of record in regard to 11/918,840. Request is **GRANTED**.

As set forth in 37 CFR 1.36, a registered attorney or agent may withdraw, upon application to and approval by the Commissioner, so long as sufficient time remains for applicant to respond to any pending action. In the present case, the request to withdraw filed 05 May 2009, is signed by Barry E. Kaplan, on behalf of the attorneys associated with customer number 30184.

Currently no action is required on this application within the next 30 days, so the requirement of "at least 30 days between *approval* of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a)," is satisfied.

For the reasons above, the request to withdraw as agents of record is **GRANTED** as to the attorneys associated with customer number 30184.

A copy of this communication and all future communication will be directed to the address: Infinity Consulting Group, LLC, c/o Union Rich USA, LLC; 1377 Clint Moore Road, Suite 300, Boca Raton, FL 33487.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

cc: Infinity Consulting Group, LLC,
c/o Union Rich USA, LLC
1377 Clint Moore Road, Suite 300
Boca Raton, FL 33487

2 7 MAY 2008

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BRINKS HOFER GILSON & LIONE/SanDisk
P.O. BOX 10395
CHICAGO IL 60610

In re Application of	:	DECISION ON
PEREZ AZNAR	:	
Application No.: 11/918,929	:	PETITION UNDER
PCT No.: PCT/ES2005/000286	:	
Int. Filing Date: 20 May 2005	:	37 CFR § 1.47(b)
Priority Date: 22 April 2005	:	
Attorney Docket No.: 10519-507 (MSA-0946-US	:	
For: PERSONAL IDENTIFICATION CARD COMPRISING A TWO-DIMENSIONAL IMAGE OF THE USER	:	

This is a decision on applicant's petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 03 March 2008.

BACKGROUND

On 20 May 2005, applicant filed international application PCT/ES2005/000286, which designated the US and claimed a priority date of 22 April 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 02 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 October 2007.

On 19 October 2007, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 03 March 2008, applicant submitted the instant petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a statement of facts by Juan Pedro Vallejo, a copy of a declaration of the inventor, and a copy of a "SALE AND PURCHASE AGREEMENT OF THE SHARES OF MICROELECTRONICA ESPANOLA, S.A.U."

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or

declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (2), (3), (4), and (6) have been met.

Item (5) has not been met. While a chain of title from MICROELECTRONICA ESPANOLA, S.A.U. to M. SYSTEMS FLASH DISK PIONEERS ESPANA, S.L.U. has been established, ownership of the invention by MICROELECTRONICA ESPANOLA, S.A.U. has not been established. Attention is directed to MPEP § 409.03 which states in part:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.
>
> If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.
>
> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed

within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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1 4 OCT 2008

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In re Application of	:	DECISION ON
PEREZ AZNAR	:	
Application No.: 11/918,929	:	PETITION UNDER
PCT No.: PCT/ES2005/000286	:	
Int. Filing Date: 20 May 2005	:	37 CFR § 1.47(b)
Priority Date: 22 April 2005	:	
Attorney Docket No.: 10519-507 (MSA-0946-US	:	
For: PERSONAL IDENTIFICATION CARD COMPRISING A TWO-DIMENSIONAL IMAGE OF THE USER	:	

This is a decision on applicant's renewed petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 30 July 2008.

BACKGROUND

On 20 May 2005, applicant filed international application PCT/ES2005/000286, which designated the US and claimed a priority date of 22 April 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 02 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 October 2007.

On 19 October 2007, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 03 March 2008, applicant submitted a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a statement of facts by Juan Pedro Vallejo, a copy of a declaration of the inventor, and a copy of a "SALE AND PURCHASE AGREEMENT OF THE SHARES OF MICROELECTRONICA ESPANOLA, S.A.U."

On 27 May 2008, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.47(b). Specifically, it was noted that proof that MICROELECTRONICA ESPANOLA, S.A.U. had sufficient proprietary interest in the application had not been provided.

On 30 July 2008, applicants filed the instant renewed petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a legal memorandum by Juan Casula Oliver.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

As noted in the decision mailed 27 May 2008, items (1), (2), (3), (4), and (6) have been met.

Item (5) has now been met as well. The legal memorandum of Juan Casula Oliver is adequate to establish that MICROELECTRONICA ESPANOLA, S.A.U. had sufficient proprietary interest in the application. As noted in the decision mailed 27 May 2008, applicant has established a chain of title from MICROELECTRONICA ESPANOLA, S.A.U. to M. SYSTEMS FLASH DISK PIONEERS ESPANA, S.L.U.

CONCLUSION

For the above reasons, applicants' renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **03 March 2008**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs

Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

14 OCT 2008

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

Javier Perez Aznar
Pradillo, 36
E-28002 Madrid
Spain

In re Application of
PEREZ AZNAR
Application No.: 11/918,929
PCT No.: PCT/ES2005/000286
Int. Filing Date: 20 May 2005
Priority Date: 22 April 2005
Attorney Docket No.: 10519-507 (MSA-0946-US
For: PERSONAL IDENTIFICATION CARD COMPRISING A TWO-DIMENSIONAL IMAGE OF THE USER

Dear Mr. Aznar:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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Facsimile: (571) 273-0459

BRINKS HOFER GILSON & LIONE/SanDisk
P.O. BOX 10395
CHICAGO IL 60610

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19 JUN 2009

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

In re Application of SATO :
U.S. Application No.: 11/918,958 :
PCT Application No.: PCT/JP2006/305968 :
Int. Filing Date: 24 March 2006 :
Priority Date Claimed: 22 April 2005 :
Attorney Docket No.: 69109(302726) : DECISION
For: PITCH PERIOD EQUALIZING :
APPARATUS, PITCH PERIOD EQUALIZING :
METHOD, SOUND ENCODING APPARATUS, :
SOUND DECODING APPARATUS, AND SOUND :
ENCODING METHOD :

This is in response to applicant's petition under 37 CFR 1.181 filed 17 February 2009.

BACKGROUND

On 24 March 2006, applicant filed international application PCT/JP2006/305968, which claimed priority of an earlier Japan application filed 22 April 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 02 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 22 October 2007.

On 22 October 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 17 December 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 February 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that an execute declaration was timely filed in the international phase under PCT Rule 4.17(iv). A review of the declaration reveals that it was executed in accordance with 37 CFR 1.4(d)(2). Therefore, applicant is not required to furnish a new declaration under 37 CFR 1.497.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 17 December 2008 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 24 March 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 October 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

27 JAN 2010

Commissioner for Patents
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
OZAKI, et al.	:	
Application No.: 11/919,117	:	DECISION ON PETITION
PCT No.: PCT/JP2006/309066	:	
Int. Filing Date: 24 April 2006	:	UNDER 37 CFR 1.181
Priority Date: 25 April 2005	:	
Atty Docket No.: 5492-0108PUS1	:	
For: COMPOSITIONS AND METHODS FOR TREATING HEMOSTASIS DISORDERS ASSOCIATED WITH CLEC-2 SIGNAL TRANSDUCTION	:	

This is a decision on applicant's "Second Request For Corrected Notification of Acceptance" filed 15 December 2009 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

On 24 October 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 25 March 2008, applicant filed an executed combined declaration and power of attorney.

On 28 October 2008, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 24 October 2007. Applicant was mailed an additional Form PCT/DO/EO/903 on 26 August 2009.

On 15 December 2009, applicant filed the present petition claiming that the 371 requirements were satisfied on 25 March 2008.

In addition to the evidence presently provided by applicant; a review of the application file finds the combined declaration and power of attorney contained therein with a filing date of 25 March 2008.

For the reasons above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application will be given an international filing date of 24 April 2006 under 35 U.S.C. 363 and a date of **25 March 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 28 October 2008 and 26 August 2009 indicating a date of 24 October 2007 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) are hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Date Mailed : June 7, 2010

Patent No. : 7665274
Serial No. : 11/919227
Patent Issued :February 23, 2010
Docket No. :DEVICE AND METHOD FOR GAS FILLING OF A DUCT IN A
:CONTAINER

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 37 CFR 1.322.

Review of applicants' request to change data from that which appears on the printed patent at item (30) Foreign Application Priority Data has revealed the modification unwarranted since the printed patent reflects the recommended presentation pertaining to the Sweden application from which applicant claims priority.

In view of the forgoing applicants request this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1541

Paul C. Lewis
Birch, Steward, Kolasch & Birch, LLP
8110 Gatehouse Road
Ste 100 East
P.O. Box 747
Falls Church, VA 22010-0747

/arg

2 7 NOV 2007

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Dechert LLP
P.O. Box 390460
Mountain View, CA 94039-0460

In re Application of	:	DECISION ON
Codexis, Inc.	:	
Application No.: 11/919,271	:	
PCT No.: PCT/US2005/038552	:	
Int. Filing Date: 25 October 2005	:	PETITION UNDER
Priority Date: 25 October 2004	:	
Attorney's Docket No.: 377804-007US (367228)	:	
For: ALANINE 2,3-AMINOMUTASES...	:	
POLYNUCLEOTIDES	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR DESIGNATING THE U.S.ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 24 October 2007.

BACKGROUND

On 25 October 2005, this international application was filed, claiming an earliest priority date of 25 October 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 25 April 2007. This international application became abandoned with respect to the United States at midnight on 25 April 2007 for failure to pay the required basic national fee.

On 24 October 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/919,276	10/24/2007	Akiteru Noguchi	ENR0012	1946

832 7590 02/12/2010

BAKER & DANIELS LLP
111 E. WAYNE STREET
SUITE 800
FORT WAYNE, IN 46802

EXAMINER	
MENON, KRISHNAN S	

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
02/12/2010	PAPER

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

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

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BAKER & DANIELS LLP
111 E. WAYNE STREET
SUITE 800
FORT WAYNE IN 46802

FEB 12 2010

In re Application of	:	
Noguchi et al.	:	DECISION ON PETITION
Application No. 11/919,276	:	TO MAKE SPECIAL UNDER
Filed: 10/24/2007	:	THE GREEN TECHNOLOGY
Attorney Docket No. **ENR0012**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 2/1/2010, 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.

As set forth at numeral 7 in the Requirements section of the Notice, the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). Petitioner's deposit account has been charged the $300 early publication fee in accordance with this notice.

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 1797 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

16 MAY 2008

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33549
SANTANGELO LAW OFFICES, P.C.
123 South Howes, Third Floor
Fort Collins, CO 80521

In re Application of :
MUSA *et al* :
U.S. Application No.: 11/919,285 :
PCT No.: PCT/US2006/015965 :
Int. Filing Date: 24 April 2006 : **DECISION**
Priority Date: 23 April 2005 :
Attorney Docket No.: Musa-USNP :
For: ENHANCED BUSINESS AND :
INVENTORY MANGEMENT SYSTEM :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 03 April 2008.

BACKGROUND

On 03 April 2008, applicants filed the subject petition accompanied by, *inter alia*, an affidavit of Nicole A. Ressue, a declaration signed by one of the two inventors, an affidavit of Nicole Ressue, documentary evidence, and a $200.00 petition fee.

DISCUSSION

Applicants first request whether the declaration submitted in the priority application No. 60/674,353 is sufficient to satisfy the declaration requirements of 37 CFR 1.497(a) and (b) in the above-captioned national stage application.

The answer is no.

Applicants must provide a declaration signed by both the inventors listed in the international application for the national stage application.

Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor. Items (1), (3) and (4) are satisfied in this petition.

Concerning item (1), the $200.00 petition fee has been paid. The last known

address is given as: 7842 N. Via La Habra, Tucson, AZ 85743. The declaration provided signed by one of the co-inventors meets the requirements of section 409.03(a) of the MPEP and is in compliance with 37 CFR 1.497(a) and (b).

Regarding item (2), applicants state in the petition that Mr. Hall is either unavailable, or unwilling to cooperate. If the nonsigning inventor is refusing to cooperate, applicants' burden is explained in section 409.03(d) of the MPEP, which states, in part:

> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted.

If the inventor cannot be located, section 409.03(d) of the MPEP also states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

In the petition, applicants have demonstrated that a complete copy of the application was sent via email to Mr. Hall and twice to an address in Arizona and received by a Maxine Hall. There is no indication who Maxine Hall is in the petition. Ms. Ressue in her affidavit claims that the email address and home address are Mr. Hall's last known email and home addresses. However, the declaration lists the address of Mr. Hall as 4868 Twin Peaks Circle, Fort Collins, CO 80528. Ms. Ressue has not explained how this new information was obtained. A statement of facts as discussed in section 409.03(d) of the MPEP is required here.

It is also not clear whether Mr. Hall received the documents in question as

applicants presented no evidence showing that an attempt was made to contact Mr. Hall via telephone to verify receipt. These efforts are not extraordinary and are required to show that a "diligent effort" was made.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

13 NOV 2008

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123 South Howes, Third Floor
Fort Collins, CO 80521

In re Application of :
MUSA *et al* :
U.S. Application No.: 11/919,285 :
PCT No.: PCT/US2006/015965 :
Int. Filing Date: 24 April 2006 : **DECISION**
Priority Date: 23 April 2005 :
Attorney Docket No.: Musa-USNP :
For: ENHANCED BUSINESS AND :
INVENTORY MANAGEMENT SYSTEM :

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 15 September 2008.

BACKGROUND

On 16 May 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 15 September 2008, applicants filed a renewed petition which was accompanied by, *inter alia*, a two-month extension and fee; a supplemental declaration by Nicole A. Ressue; and Exhibits 1A - 6A.

DISCUSSION

Applicants failed to satisfy item (2) of 37 CFR 1.47(a) in the initial petition.

In the renewed petition, applicants submitted a statement of facts by Ms. Ressue detailing the efforts to obtain the signature of the nonsigning inventor. Documentary evidence in support of the renewed petition was also provided.

Ms. Ressue declares that she attempted to contact Mr. Hall by telephone on 28 May 2008 and by email on 10 June 2008. Ms. Ressue states that she left a message for Mr. Hall on his cell phone. In addition, the evidence shows that Mr. Hall received the email sent 10 June 2008 (Exhibit 6A). This email included a declaration and copy of the subject application and requests that Mr. Hall cooperate in the subject application. Ms. Ressue states in her declaration that she has not "received any communication from Gary N. Hall." The Ressue declaration was dated 15 September 2008 which clearly provides ample time for Mr. Hall to cooperate.

This evidence constitutes a refusal to cooperate as contemplated by section 409.03(d)(II) of the MPEP. This is sufficient to satisfy item (2) of 37 CFR 1.47(a).

Accordingly, all the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 24 April 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 03 April 2008.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

13 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Gary N. Hall
7842 N. Via La Habra
Tucson, AZ 85743

In re Application of
MUSA *et al*
U.S. Application No.: 11/919,285
PCT No.: PCT/US2006/015965
Int. Filing Date: 24 April 2006
Priority Date: 23 April 2005
Attorney Docket No.: Musa-USNP
For: ENHANCED BUSINESS AND
INVENTORY MANAGEMENT SYSTEM

Mr. Hall:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

SANTANGELO LAW OFFICES, P.C.
123 South Howes, Third Floor
Fort Collins, CO 80521

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26 DEC 2007

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

In re Application of	:	
FRICKE	:	
Application No.: 11/919,289	:	DECISION ON
PCT No.: PCT/EP2004/006286	:	
Int. Filing Date: 11 June 2004	:	PETITION UNDER
Priority Date: N/A	:	
Attorney Docket No.: FRICKE-2 (PCT)	:	37 CFR 1.137(b)
For: BRACKETS	:	

This decision is in response to applicant's submission filed 25 October 2007.

BACKGROUND

On 11 June 2004, applicant filed international application PCT/EP2004/006286 which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 22 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 11 December 2006.

On 25 October 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, an English translation of the international application as filed, a declaration of the inventor, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 25 October 2007.

As to item (2), applicant submitted the petition fee on 25 October 2007.

As to item (3), petitioner's statement that the "application became abandoned

unintentionally" has been construed as meaning that the "entire delay in filing the required reply (The required reply being the U.S. Basic National Fee.) from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicant must *immediately* notify the Office of PCT Legal Administration of such fact.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of the inventor filed 25 October 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

14 NOV 2007

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Mark L. Maki
FLYNN, THIEL, BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

In re Application of	:	
JOHNSON, et al.	:	
Application No.: 11/919,377	:	
PCT No.: PCT/US06/07819	:	DECISION ON PETITION
Int. Filing Date: 01 March 2006	:	
Priority Date: 01 March 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 2000.P0374US	:	
For: CHAIR BACK	:	

The petition to revive under 37 CFR 1.137(b) filed 25 October 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventors is required.

Derek A. Putonen
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0 4 DEC 2009

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JAMES C. LYDON
100 DAINGERFIELD ROAD
SUITE 100
ALEXANDRIA VA 22314

In re Application of :
BURKE :
U.S. Application No.: 11/919,425 : DECISION ON PETITION
PCT No.: PCT/FI2006/000130 :
Int. Filing Date: 25 April 2006 : UNDER 37 CFR 1.181
Priority Date: 26 April 2005 :
Attorney Docket No.: TUR-201 :
For: A METHOD FOR PREPARING A SALINE SOLUTION COMPRISING [13N]NH4 AND USE OF A DEVICE :

This decision is in response to applicant's "Petition For Corrected Notice of Acceptance And Filing Receipt" filed 29 September 2009 in the United States Patent and Trademark Office (USPTO). The petition is being considered pursuant to 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 25 May 2006, applicant filed international application PCT/FI2006/000130, which claimed priority of an earlier application filed 26 April 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 02 November 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 October 2007.

On 26 October 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a first preliminary amendment and an Information Disclosure Statement.

On 14 November 2007, applicant filed a declaration of the inventors and assignment document for recording.

On 31 August 2009, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was advised that the declaration filed 14 November 2007 was missing the signatures of inventors Sipila and Clark. Applicant was afforded two months to file

a response.

On 03 September 2009, applicant responded with a complete declaration and statement that a complete declaration had been filed on 14 November 2007.

On 18 September 2009, applicant was mailed a "Notice of Acceptance" (Form PCT/DO/EO/903) and official filing receipt indicating a date of 03 September 2009 as the completion of all 35 U.S.C. 371 requirements.

On 29 September 2009, applicant filed the petition considered herein.

DISCUSSION

A review of the application finds that the second page of the signed declaration filed 14 November 2007 was erroneously recorded as a page of the assignment. It is clear from the documents filed that a complete, two page declaration was filed on 14 November 2007. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/903 mailed 18 September 2009 is hereby **VACATED**.

The application has an international filing date of 26 April 2006 under 35 U.S.C. 363 and will be given a date of **14 November 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a filing receipt indicating the 371 date as detailed above.

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
TALALAY, Paul :
Application No. 11/919,430 : DECISION ON PETITION
Filed: October 26, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **046585-0179** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 26, 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 attesting that Paul Talalay 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.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

29 MAY 2009

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	DECISION ON
EICHLER et al	:	
Application No: 11/919,451	:	
PCT No.: PCT/EP2006/011948	:	PETITION UNDER
Int. Filing Date: 12 December 2006	:	
Priority Date: 14 December 2005	:	
Attorney's Docket No.: 69559(51994)	:	
For: PLANT AND METHOD FOR...	:	37 CFR 1.47(a)
IN PARTICULAR WASTE PRODUCTS, etc	:	

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 30 March 2009.

BACKGROUND

On 12 December 2006, applicants filed international application PCT/EP2006/011948, which claimed priority to an earlier application filed 14 December 2005. A copy of the international application was communicated by the International Bureau to the United States Patent and Trademark Office on 21 June 2007.

On 29 October 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 20 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68." The Notice stated that the declaration must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 30 March 2009, petitioners filed the instant petition under 37 CFR 1.47(a), which included, *inter alia*, an executed declaration without the signature of Friedrich Weigand.

On 27 May 2009, the United States Designated/Elected Office (DO/EO/US) erroneously mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903), which indicated a date of receipt of 35 U.S.C. (c)(1), (c)(2), and (c)(4) of 30 March 2009.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has satisfied requirements (1) and (3) of 37 CFR 1.47(a) but not requirements (2) and (4).

Regarding requirement (1), petitioner has provided the petition fee.

Regarding requirement (2), the averments of Mr. Jacob P. Martinez are sufficient to support a finding that the nonsigning inventor, Mr. Weigand refuses to sign because a copy of the patent application and declaration were sent to Mr. Weigand on January 21, 2009 via DHL and a copy of the DHL shipping list has been included. In addition, Mr. Schitter contacted Friedrich Weigand by telephone on March 11, 2009 at approximately 2:41pm and he continued to refuse to sign the required documents.

Although, the summary of the conversation has been provided and translated into English, this by itself is not sufficient because it does not appear it was Mr. Martinez who was the person who mailed the documents on January 21, 2009.

If Mr. Martinez was not the person who performed the actions listed, who mailed the application papers, then petitioner will need to submit statements, with specific facts on the actions referred in the petition by the persons who have first-hand knowledge of such facts. It appears the it was Mr. Schitter who performed these actions and if so then a summary by him is needed.

In addition, petitioner has not translated into English the cover letter sent with the documents and signed by Andreas Schitter on 21 January 2009.

Regarding requirement (3), petitioner has provided a statement of the last known address of the missing inventor.

Friedrich Weigand
Osthofenstrasse 67
D-59494 Soest, Germany

Regarding requirement (4), petitioner has not provided a properly executed declaration. The composite declaration is defective because it comprises of 2 sheets of page 4. A composite declaration under 37 CFR 1.497(a) and (b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. In this case there appears to be only one set that is complete.

Copies of the same page is not part of a proper declaration since it is considered a composite declaration and each must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

The NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) mailed on 27 May 2009 is **vacated** with the mailing with this decision.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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Facsimile: (571) 273-0459

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0 4 SEP 2009

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EDWARDS ANGELL PALMER & DODGE LLP
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BOSTON MA 02205

In re Application of	:	DECISION ON
EICHLER et al	:	
Application No: 11/919,451	:	
PCT No.: PCT/EP2006/011948	:	PETITION UNDER
Int. Filing Date: 12 December 2006	:	
Priority Date: 14 December 2005	:	
Attorney's Docket No.: 69559(51994)	:	
For: PLANT AND METHOD FOR...	:	37 CFR 1.47(a)
IN PARTICULAR WASTE PRODUCTS, etc	:	

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 02 July 2009.

BACKGROUND

In a decision from this Office on 29 May 2009, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 02 July 2009, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 29 May 2009 with respect to accepting the above application without the signature of Mr. Friedrich Weigand.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 21 December 2007 has satisfied items (2) and (4) under 37 CFR 1.47(a).

Regarding item (2), a statement by Andreas Schitter, who has first-hand knowledge of the facts of the previous petition, has provided a statement outlining the steps he took to mail the application papers to the non-signing inventor Friedrich Weigand on January 21, 2009. In addition, Mr. Schitter spoke to Mr. Weigand on March 11, 2009 by phone and Mr. Weigand continued to refuse to sign the required papers.

Consequently, at this time it can be concluded that Mr. Weigand has refused to sign the documents.

Regarding item (4), a proper executed composite declaration has now been filed.

Petitioner has now satisfied items (2) and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **02 July 2009.**

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

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0 4 SEP 2009

Friedrich Weigand
Osthofenstrasse 67
D-59494 Soest, Germany

In re Application of
EICHLER et al
Application No: 11/919,451
PCT No.: PCT/EP2006/011948
Int. Filing Date: 12 December 2006
Priority Date: 14 December 2005
Attorney's Docket No.: 69559(51994)
For: PLANT AND METHOD FOR...
IN PARTICULAR WASTE PRODUCTS, etc

Dear: Mr. Weigand,

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

23 JAN 2009

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THORPE NORTH & WESTERN, LLP.
P.O. Box 1219
SANDY UT 84091-1219

In re Application of	:	
BLOSWICH, et al.	:	
Application No.: 11/919,467	:	DECISION ON PETITION
PCT No.: PCT/US06/16068	:	
Filing Date: 26 April 2006	:	
Priority Date: 26 April 2005	:	
Atty. Docket No.: 00846-U3890.Prov.PCT.US	:	
For: WHEELCHAIR ADVANTAGE MOBILITY SYSTEM	:	

The petition to revive under 37 CFR 1.137(b) filed 16 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided a transmittal letter which correctly identifies the international application number as PCT/US06/16068. Therefore it is proper to consider payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) as having been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors is required.

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0 7 JAN 2008

United States Patent and Trademark Office

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DICKSTEIN SHAPIRO
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
NEW YORK, NY 10036-2714

In re Application of	:	
Turgis et al.	:	
Application No.: 11/919,506	:	
PCT No.: PCT/US03/14293	:	
Int. Filing Date: 06 May 2003	:	DECISION
Earlier Priority Date: 06 May 2002	:	
Attorney Docket No.: S9025.1424	:	
For: Single Phase Water Based Energy Curable Polymers And Method Of Preparing Coatings	:	

This is a decision on applicants' petition under 37 CFR 1.137(a) filed on 29 October 2007.

BACKGROUND

This international application was filed on 06 May 2003, claimed a priority date of 06 May 2002, and designated the United States. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 06 November 2004. This international application became abandoned with respect to the national stage in the United States for failure to timely pay the basic national fee.

DISCUSSION

37 CFR 1.137(a) provides that

If the delay in reply by applicant or patent owner was unavoidable, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination proceeding terminated under §§ 1.550(d) or 1.957(b) or (c), or a lapsed patent. 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(l);

(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

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

Regarding **37 CFR 1.137(a)(1)**, applicants filed the required reply in the form of the basic national fee on 29 October 2007.

Regarding **37 CFR 1.137(a)(2)**, applicants paid the petition fee on 29 October 2007.

Regarding **37 CFR 1.137(a)(3)**, petitioner attributes the delay in filing the basic national fee, from its 06 November 2004 due date until the 29 October 2007 filing of this petition, to error. Specifically, petitioner indicates that, in response to a request for an application file, a paralegal apparently provided the wrong application. Petitioner indicates (in part) that this error led to the basic national fee not being timely filed. However, petitioner has not explained what other procedures were in place to track which cases had replies due. That is, the petition does not make clear whether this application would have been shown on a docket report as being due for national stage entry and, if not, why not. Petitioner would clarify why applicants were diligent in relying on the location of the physical application file to indicate when the basic national fee would fall due.

Petitioner also refers to an October 2004 instruction to "determine interest in filing national cases based on the above PCT application." Petitioner refers to replies from "six individuals," but neither identifies them nor provides statements from any of them indicating whether they considered entering the national stage in the United States. Also, petitioner states that "I was under the impression" that the U.S. filing had been addressed, but does not explain whether this reliance on an impression was supported by checking any relevant records or taking other appropriate steps.

Petitioner also refers to an "inquiry" in August 2007, but does not explain the nature of this inquiry (nor why no other "inquiry" occurred during the nearly three years between October 2004 and August 2007).

In general, petitioner has not shown why, despite the exercise of the requisite diligence, the basic national fee was not paid during the period from 06 November 2004 to 29 October 2007. Petitioner may wish to consider filing a petition for relief pursuant to 37 CFR 1.137(b).

Regarding **37 CFR 1.137(a)(4)**, no terminal disclaimer is required.

DECISION

The petition is **DISMISSED**, without prejudice.

Any response must be filed within **TWO (2) MONTHS** from the mailing date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the correspondence to the attention of the Office of PCT Legal Administration.

George Dombroske
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United States Patent and Trademark Office

17 MAR 2008

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DICKSTEIN SHAPIRO
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
NEW YORK, NY 10036-2714

In re Application of	:	
Turgis et.al.	:	
Application No.: 11/919,506	:	
PCT No.: PCT/US03/14293	:	
Int. Filing Date: 06 May 2003	:	DECISION
Earlier Priority Date: 06 May 2002	:	
Attorney Docket No.: S9025.1424	:	
For: Single Phase Water Based Energy Curable Polymers And Method Of Preparing Coatings	:	

The petition to revive under 37 CFR 1.137(b) filed on 15 January 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

The above-identified application has been abandoned for an extended period of time. The USPTO is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the USPTO).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee on 29 October 2007. The petition fee was paid on 15 January 2008. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Inspection of the declaration filed on 29 October 2007 reveals that it includes un-initialed alterations (specifically, on pages 4, 11 and 15, pertaining to inventors Jones, Chatterjee and Young). As such, it would not be appropriate to accept the declaration at this time.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

George Dombroske
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UNITED STATES DEPARTMENT OF COMMERCE
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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Jacques Lobry	: DECISION ON REQUEST FOR
Patent Number	: 7621004	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/919,522	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 03/20/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

21 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of	:	
SAKAMOTO, Kazuhiro	:	
U.S. Application No.: 11/919,560	:	DECISION ON
PCT No.: PCT/JP2006/312613	:	
Int. Filing Date: 23 June 2006	:	PETITION
Priority Date: 23 June 2005	:	
Attorney Docket No.: 107348-00665	:	UNDER 37 CFR 1.181
For: FUEL TANK	:	

This is a decision on the petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 13 January 2009.

BACKGROUND

On 13 November 2007, applicants filed one page of declaration and the fee for furnishing the translation of the application into English after 30 months.

On 05 November 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required as the second page was missing and the surcharge for late filing of the search fee, examination fee or oath or declaration was required.

On 13 January 2009, applicants filed a petition under 37 CFR 1.181 to vacate the Notification of Missing Requirements.

DISCUSSION

Applicants have provided a date-stamped postcard receipt identifying the above captioned application and listing a declaration. Applicants have provided a copy of the declaration they claim to have earlier submitted. However, the postcard does not identify the number of pages of declaration that should have been received. The Office received a single page of declaration. As such, the postcard is insufficiently itemized to show that a paper was delivered to the Office, but is now missing from the file. The declaration is accorded its actual date of receipt, 13 January 2009.

CONCLUSION

For the above reason, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

This application is being forwarded to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Phone: (571) 272-3292
Fax: (571) 273-0459

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SEP 29 2009

Mark P. Stone
50 Broadway
Hawthorne, NY 10532

September 23, 2009

In re Application of:
Lars KARLANDER
Application No.: 11/919,562
Filed: October 30, 2007
Attorney Docket No. HT-138

DECISION ON PETITION REGARDING REQUEST TO WITHDRAW FINALITY UNDER 37 CFR 1.181

This is in response to the petition filed on September 10, 2009 under 37 CFR 1.181 requesting the withdrawal of the finality of the Office Action mailed August 24, 2009 as being improper.

The petition is **GRANTED**.

Applicant alleges that the final rejection mailed August 24, 2009 is improper because the claims were amended only to correct typographical errors in the claims and that no substantive amendments were made.

MPEP 706.07(a) sets forth that the second or any subsequent action on the merits shall be made final except where the examiner introduces a new ground of rejection that is neither necessitated by applicants' amendment nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

A review of the record reveals that Examiner initially rejected the claims under 35 USC 112, first and second paragraphs. The Office action also included a 35 USC 102 (b) rejection as being anticipated by USP 6,779,821 to Hallergren. Applicant filed an amendment to the claims on June 24, 2009 which only corrected typographical errors. In the Final rejection mailed August 24, 2009, Examiner again rejected the claims over 35 USC 112, first and second paragraphs, as well as claim 1 under 35 USC 102 (b) over Hallergren '821. However, the Examiner additionally included a new 35 USC 102 (b) rejection of claim 1 over newly applied USP 6,554,345 to Jonsson.

It is clear the correction of typographical errors to the claims do not constitute a substantive amendment which would require new grounds of rejection. Therefore, the Finality of the Office action is improper and premature.

The finality of the Office action mailed August 24, 2009, but not the action itself, is hereby withdrawn. The Office action of August 24, 2009 is now considered to be non-final and the shortened statutory period for response continues to run THREE (3) MONTHS from the date of mailing of the Office action.

SUMMARY: The petition is **GRANTED**.

Telephone inquiries should be directed to D. Glenn Dayoan, Supervisory Patent Examiner, at (571) 272-6659.

Frederick Schmidt, Director
Patent Technology Center 3600
(571) 272-5150

DGD/SM: 9/23/09
SM

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MAY 19 2010

MARK P. STONE
50 Broadway
Hawthorne NY 10532

In re Application of	:	DECISION ON PETITION
Lars KARLANDER	:	TO WITHDRAW THE
Application No. 11/919,562	:	OBJECTION TO THE
Filed: October 30, 2007	:	DRAWINGS AND SPECIFICATION
For: BUMPER BEAM	:	UNDER 37 CFR §1.181

This is a decision on applicant's petition under 37 CFR 1.181 filed February 16, 2010 to request the withdrawal of the objection to the drawings and specification made in the final Office action mailed on December 16, 2009.

The petition is **GRANTED.**

Petitioner alleges that the objection to the specification is ambiguous and fails to disclose the nature of the additional explanation which may be required. Petitioner contends that the specification sufficiently describes the invention in a manner in which will be understood by a person skilled in the relevant art. Regarding the objection to the drawings, petitioner alleges that the drawing currently on file including the replacement sheets included with the amendment filed on October 29, 2009 disclose all features of the pending claims.

A review of the record reflects that a non-final Office action was mailed on August 24, 2009 in which the examiner objected to the specification and the drawings. The specification was objected on the grounds that certain statements made in the specification may require further explanation. The drawings were objected to as certain limitations in the claims regarding the various dimensions of the profile height of the beam, the size of the stiffening depression, the width of the central flange, and other features of the bumper beam are not shown. Petitioner submitted an amendment on October 29, 2009 to amend the claims and the specification, and to include three (3) replacement sheets to the drawings to replace figures 3, 5-13. A final Office action was mailed on December 16, 2009 in which the examiner repeated the objections to the specification and the drawings.

MPEP § 608.01 states that "The specification is a written description of the invention and of the manner and process of making and using the same. The specification must be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention pertains to make and use the same."

The examiner objected to the specification on the grounds that additional explanation may be required on certain features to fully understand and examine the application. The examiner cited a list of features that may require additional explanation such as "the profile height of the middle portion should be less than 2/3 of the highest profile height and preferable less than half thereof;", "If the profile is strong and does not bend, a thin pole will buckle the profile and result in a fast collapse", "If the profile is more resilient by having a profile height that is reduced towards the middle of the beam, the buckling tendency will be reduced and the buckling will be delayed so that the motion of the beam towards the vehicle will be reduced"; "In a crash against a barrier, the beam will have reduced properties, but in accordance with the invention, an optimum compromise between the properties for various kinds of crashes will be achieved and better properties will be achieved generally." However, there is no basis for the specification objection as the cited features are disclosed in clear and concise terms as to enable any person skilled in the art to make and use the invention. The specification objection is improper and hereby withdrawn.

37 C.F.R. 1.84 sets forth the standards for drawings, which states that "The scale to which a drawing is made must be large enough to show the mechanism without crowding when the drawing is reduced in size to two-thirds in reproduction. Indications such as "actual size" or "scale 1 /2" on the drawings are not permitted since these lose their meaning with reproduction in a different format."

It is clear that adequate details are shown in each drawing figure to illustrate the structural features of the bumper beam. It is also clear from rule 37 C.F.R. 1.84 cited above that drawings are not required to be drawn to scales due to the needs for reproduction in different formats. Therefore, the examiner's drawing objections regarding the various dimensions of the profile height of the beam, the size of the stiffening depression, the width of the central flange, and other features of the bumper beam are improper and hereby withdrawn.

Summary: The petition is **GRANTED.**

Any questions regarding this decision should be directed to Supervisory Patent Examiner D. Glenn Dayoan at 571-272-6659.

David L. Talbott, Director
Patent Technology Center 3600
571-272-5150

lm: 5/2/10
LM

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/919,578		Yasunao Okazaki	2007-1907A	5086

52349 7590 05/09/2008
WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER	
ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
05/09/2008	PAPER

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

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

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MAY 0 8 2008

TECHNOLOGY CENTER 3600

Wenderoth, Lind & Ponack LLP
2033 K. Street, NW
Suite 800
Washington, DC 2006

In re application of	:	**DECISION ON REQUEST TO**
Yasunao Okazaki	:	**PARTICIPATE IN PATENT**
Application No. 11/919,578	:	**PROSECUTION HIGHWAY**
Filed: October 30, 2007	:	**PROGRAM AND PETITION**
For: DEVICE AND METHOD FOR CONTROLLING	:	**TO MAKE SPECIAL UNDER**
ROBOT ARM, ROBOT AND PROGRAM	:	**37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 21, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH program and petition fail to include:
(1) - (2) This application does not currently claim priority under 35 USC 119(a) to the JPO application (JP2007-516130) that contains the allowable claims. It does contain a claim to priority to JP application 2006-005712, but not the application that contains the allowable claims.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

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

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 5/8/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/919,578		Yasunao Okazaki	2007-1907A	5086

52349 7590 07/29/2008
WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON, DC 20006

EXAMINER	
ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
07/29/2008	PAPER

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

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

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TECHNOLOGY CENTER 3600

Wenderoth, Lind & Ponack LLP
2033 K. Street, NW
Suite 800
Washington, DC 2006

In re application of	:	**DECISION ON REQUEST TO**
Yasunao Okazaki	:	**PARTICIPATE IN PATENT**
Application No. 11/919,578	:	**PROSECUTION HIGHWAY**
Filed: October 30, 2007	:	**PROGRAM AND PETITION**
For: DEVICE AND METHOD FOR CONTROLLING	:	**TO MAKE SPECIAL UNDER**
ROBOT ARM, ROBOT AND PROGRAM	:	**37 CFR 1.102(d)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 23, 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 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 renewed petition, which included a clear explanation of the relationship between the Japanese application that contained the patentable claims and the Japanese priority application being claimed in the above U.S. application, 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: 7/25/08

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12 FEB 2010

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24998
DICKSTEIN SHAPIRO LLP
1825 Eye Street NW
Washington, DC 20006-5403

In re Application of :
HASHIMOTO *et al* :
Application No: 11/919,675 :
PCT No.: PCT/JP2007/052662 :
Int. Filing Date: 08 February 2007 : **DECISION**
Priority Date: 09 February 2006 :
Docket No.: C8391.0042/P042 :
For: DIGITAL CAMERA :

This decision is in response to applicants' "Petition Under 37 C.F.R. § 1.182" filed on 21 March 2008. This is treated as a petition to expunge under 37 CFR 1.59(b).

BACKGROUND

On 31 October 2007, applicants filed a national stage application of PCT/JP2007/052662 which was accompanied by, *inter alia*, a copy of a specification titled "Sample Analyzing Apparatus." PCT/JP2007/052662 is titled "Digital Camera."

On 21 March 2008, applicants submitted a petition under 37 CFR 1.182 to remove the specification titled "Sample Analyzing Apparatus" from the application file.

DISCUSSION

Applicant states that they "inadvertently and unintentionally included an unrelated copy of a specification entitled "SAMPLE ANALYZING APPARATUS" instead of a correct copy of International Application No. PCT/JP2007/052662 as indicated by checked box 5a of the Transmittal Letter. Applicant requests that these papers be removed from the application file. Applicant provided a $400.00 petition fee.

This petition is treated as a petition to expunge information unintentionally submitted in application. Section 724.05 (II) of the MPEP states, in part:

> A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b)provided that:
>
> (A) the Office can effect such return prior to the issuance of any patent on the application in issue;

(B) it is stated 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;

(C) the information has not otherwise been made public;

(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and

(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

In this case, applicant has not demonstrated that the failure to remove the information would cause irreparable harm.

The specification titled "Sample Analyzing Apparatus" will not be used as the specification of the application. The specification from the International Bureau titled "Digital Camera" will be used.

The petition fee for a petition to expunge is $200.00 pursuant to 37 CFR 1.17(g). The $200.00 difference has been refunded to counsel's credit card.

CONCLUSION

Applicant" petition to expunge the document unintentionally submitted is **DISMISSED** without prejudice.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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In re Application of
Leonid Shturman

Application No. 11919686

Filed: October 31,2007

Attorney Docket No. 1059.008

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 27-MAR-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

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In re Application of
Leonid Shturman

Application No. 11919687

Filed:

Attorney Docket No. 1315-53

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 27-MAR-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

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In re Application of
Leonid Shturman

Application No. 11919692

Filed: October 31,2007

Attorney Docket No. 1059.006

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 27-MAR-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

FEB 27 2009

OFFICE OF PETITIONS

Applicant: Harman et al.
Appl. No.: 11/919,749
International Filing Date: May 12, 2006
Title: PREPARATION OF THERAPEUTIC FOAM
Attorney Docket: LCM-604-814
Pub. No.: US 2008/0138376 A1
Pub. Date: June 12, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 23, 2008, for the above-identified application. Material Office error was alleged in omission of the first five claims of applicant's originally filed specification in the publication.

The request is GRANTED.

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

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

Inquiries relating to this matter may be directed to 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

2 7 MAR 2008

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Thomas A. Walsh
ICE MILLER
One American Square, Suite 3100
Indianapolis, IN 46282-0200

In re Application of:
BORGENS, Richard, B., et al.
U.S. Application No.: 11/919,784
PCT No.: PCT/US2006/009383
International Filing Date: 16 March 2006
Priority Date: 16 March 2005
Atty Dkt No.: P01299-US-01 (19232.0070)
For: DEVICES FOR TREATMENT OF CENTRAL NERVOUS SYSTEM INJURIES

DECISION ON PETITION
(37 CFR 1.137(a))

This decision is issued in response to applicants' "Petition For Revival Of An Application Abandoned Unavoidably Under 37 CFR 1.137(a)" filed on 01 November 2007. Applicants have paid the required petition fee.

BACKGROUND

On 16 March 2006, applicants filed international application PCT/US2006/009383. The international application claimed a priority date of 16 March 2005, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 16 September 2007.

Applicants did not request entry into the U.S. national stage and submit payment of the U.S. basic national fee prior to the expiration of the thirty month deadline. Accordingly, international application PCT/US2006/009383 became abandoned with respect to the U.S. at midnight on 16 September 2007

On 01 November 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by , among other materials, payment of the basic national fee and the petition for revival under 37 CFR 1.137(a) considered herein. The petition asserts that a data entry error in counsel's docketing system resulted in the delay in filing the present U.S. national stage application and that the consequent abandonment was therefore "unavoidable" under 37 CFR 1.137(a).

DISCUSSION

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be filed promptly after applicant becomes aware of the

abandonment, and such petition must include (1) an adequate verified showing of the cause of unavoidable delay, (2) a proper response, unless already filed, (3) the applicable petition fee, and (4) by a terminal disclaimer, if necessary.[1] The present petition fails to satisfy item (1).

With respect to item (1), the petition asserts that a docketing error resulted in the delay in filing the national stage application. Section 711.03(c)(2), of the MPEP states the following regarding such an assertion:

> A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:
>
> (A) the error was the cause of the delay at issue;
>
> (B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
>
> (C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

In order to adequately support the present assertion, petitioner must supply a thorough explanation of the docketing and call-up system in use and must identify the type of records kept and the person responsible for the maintenance of the system. The showing must include an indication as to why the system failed in this instance to provide adequate notice that a response was due. Petitioner must submit copies of docket sheets and such other records as may exist which would substantiate an error in docketing. In addition, an adequate showing requires a statement by all persons with direct knowledge of why the docket procedures failed, setting forth the facts as they know them.

Petitioner here has provided a statement from above-named counsel discussing the docketing error that resulted in the abandonment of the present application, accompanied by a copy of a docket sheet indicating the data entry error that resulted in the incorrect docketing of the national stage deadline. Petitioner also asserts that the paralegal that made the incorrect entry was adequately trained, and that the paralegal was supervised by experienced attorneys and a more experienced paralegal. However, petitioner has not provided firsthand statements from the paralegal involved, or the supervising paralegal, providing specifics as to how the paralegal in question was trained and supervised, and the extent of such training and supervision at the time the error was made. Moreover, petitioner has provided no information as to whether petitioner's docketing procedures include any system designed to identify data entry errors such as the one that occurred here before they result in abandonment. Absent a further showing regarding the training of the paralegal in question and the procedures used by petitioner to protect against and correct data entry errors before they result in application abandonment, it cannot be concluded that the abandonment of the present application was unavoidable. Item (1) is therefore not satisfied on the present record.

---

[1] It is noted that the terminal disclaimer element does not apply to the present application.

Because applicant has failed to satisfy all the requirements for a grantable petition under 37 CFR 1.137(a), the petition cannot be granted at this time.

CONCLUSION

The petition to revive the application with respect to the United States under 37 CFR 1.137(a) is **DISMISSED** without prejudice. The application remains **ABANDONED** with respect to the United States.

If applicants seek reconsideration of the decision, a renewed petition must be submitted within **TWO (2) MONTHS** from the mail date of this decision.

It is suggested that, in the alternative to a renewed petition, applicants consider filing a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), as such a petition would be more appropriate under the factual situation described here.

Any further correspondence with respect to this matter should be directed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

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UNITED STATES PATENT AND TRADEMARK OFFICE

0 5 JUN 2008

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Thomas A. Walsh
ICE MILLER
One American Square, Suite 3100
Indianapolis, IN 46282-0200

In re Application of:
BORGENS, Richard, B., et al.
U.S. Application No.: 11/919,784
PCT No.: PCT/US2006/009383
International Filing Date: 16 March 2006
Priority Date: 16 March 2005
Atty Dkt No.: P01299-US-01 (19232.0070)
For: DEVICES FOR TREATMENT OF CENTRAL NERVOUS SYSTEM INJURIES

DECISION ON PETITION
(37 CFR 1.137(b))

This decision is issued in response to applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on 21 April 2008. Applicants have paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 27 March 2008. That decision dismissed applicant's "Petition For Revival Of An Application Abandoned Unavoidably Under 37 CFR 1.137(a)" for failure to satisfy all the requirements of a grantable petition.

On 21 April 2008, applicant filed the Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" considered herein.

DISCUSSION

The present petition for revival was accompanied by payment of the required petition fee and the "required reply," in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee, was previously filed on 01 November 2007. In addition, the petition includes a statement that "the entire delay in filing the reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement, in combination with the statement describing the specifics of the delay submitted with the previous submission, satisfies the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that applicant filed an executed declaration during the international phase pursuant to PCT Rule 4.17(iv).

CONCLUSION

The "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 November 2007.

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15 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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30853
WARN, HOFFMANN, MILLER & LALONE, P.C.
P.O. Box 70098
Rochester Hills, MI 48307

In re Application of :
MILLER *et al* :
Application No.: 11/919,805 :
PCT No.: PCT/GB2006/001590 :
Int. Filing Date: 02 May 2006 : **DECISION**
Priority Date: 02 May 2005 :
Docket No.: ELO-00010 (ELOPAK-321-624) :
For: APPARATUS AND METHOD :

This is a decision on the petition under 37 CFR 1.47(a) filed on 02 March 2009.

BACKGROUND

On 29 December 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 02 March 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration signed by four of the inventors; the $200.00 petition fee; the $130.00 surcharge fee; and documentary evidence in support of the petition (Appendix A - D).

DISCUSSION

Applicants claim that co-inventor, Chadwick A. Wierenga, refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a) in response to the Form PCT/DO/EO/905 mailed 29 December 2008.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor. Item (4) is not yet complete.

The petition fee and last known address were provided in the petition. Items (1) and (3) of 37 CFR 1.47(a) are complete.

Regarding item (2) of 37 CFR 1.47(a), applicants' burden in showing that an inventor refuses to cooperate is explained in section 409.03(d) of the MPEP. Several pertinent segments are listed below:

> A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney . . .
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made . . .
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted.

Here, petitioners provided a statement of facts showing that a copy of the application papers and declaration were sent to the nonsigning inventor's last known address on 29 August 2008. The nonsigning inventor signed for these documents on 02 September 2008. After receiving no response, petitioners sent a second letter on 03 November 2008 containing only the declaration and assignment and requesting that Mr. Wierenga cooperate. This letter was received by Mr. Wierenga the next day. A third letter was sent on 14 January 2008. Mr. Wierenga signed for this letter on 15 January 2009. As response from Mr. Wierenga has been received, petitioners conclude that Mr. Wierenga is unwilling to cooperate in the subject application. Copies of all three cover letters with accompanying postal receipts signed for by Mr. Wierenga.

This evidence is sufficient to show a refusal by conduct as contemplated by section 409.03(d)(II) of the MPEP. Item (2) of 37 CFR 1.47(a) is also satisfied.

Concerning item (4), the 37 CFR 1.47(a) applicants submitted a declaration signed by four joint inventors on behalf of the nonsigning joint inventor. However, this declaration is not acceptable.

The declaration submitted with the petition on behalf of the nonsigning inventor is a composite declaration. The declaration consists of six total pages (one Page 1, one Page 2, two Page 3's and two Page 4's). Applicants must submit a complete copy of each four-page declaration signed by each inventor and each declaration must identify the correct inventive entity.

For this reason, item (4) of 37 CFR 1.47(a) is not yet satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
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Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

16 SEP 2009

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30853
WARN, HOFFMANN, MILLER & LALONE, P.C.
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Rochester Hills, MI 48307

In re Application of :
MILLER *et al* :
Application No.: 11/919,805 :
PCT No.: PCT/GB2006/001590 :
Int. Filing Date: 02 May 2006 : **DECISION**
Priority Date: 02 May 2005 :
Docket No.: ELO-00010 (ELOPAK-321-624) :
For: APPARATUS AND METHOD :

This is a decision on the papers filed on 17 July 2009 which are treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 15 May 2009, a decision dismissing applicants' 37 CFR 1.47(a) petition was mailed. Applicants were given two months to respond with extensions of time available.

On 17 July 2009, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by an executed declaration.

On 01 September 2009, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and filing receipt indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and all 35 U.S.C. 371 requirements of 17 July 2009.

DISCUSSION

Applicants' original petition under 37 CFR 1.47(a) was dismissed for failing to submit a complete copy of each declaration executed by the remaining inventors on their own behalf and on behalf of the nonsigning inventor.

In the renewed petition, the 37 CFR 1.47(a) applicants submitted a complete copy of each of declaration signed by four joint inventors on behalf of the nonsigning joint inventor. All required information including the nonsigning co-inventor's name, residence, post office addresses and citizenship are typed on the declaration.

However, a further review of the declaration[1] shows that it contains noninitialed changes in ink on the declaration regarding the residence of the fifth-named inventor, William Baranek.

Any changes made in ink must be initialed and dated by the applicants prior to execution of the declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. *See* MPEP § 605.04(a). A new declaration executed by Mr. Baranek is required.

Thus, item (4) of 37 CFR 1.47(a) is not yet satisfied.

CONCLUSION

For the reasons noted above, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt mailed 01 September 2009 were sent in error and hereby **VACATED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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Office of PCT Legal Administration

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---

[1] This problem was not identified in the original decision mailed 05 May 2009. The undersigned regrets this omission.

18 DEC 2009

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In re Application of :
MILLER *et al* :
Application No.: 11/919,805 :
PCT No.: PCT/GB2006/001590 :
Int. Filing Date: 02 May 2006 : **DECISION**
Priority Date: 02 May 2005 :
Docket No.: ELO-00010 (ELOPAK-321-624) :
For: APPARATUS AND METHOD :

This is a decision on the papers filed on 16 October 2009 which are treated as a second renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 16 September 2009, a decision dismissing applicants' renewed petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 16 October 2009, applicants filed a second renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration executed by joint inventor, William Baranek.

DISCUSSION

The renewed petition filed 17 July 2009 was dismissed for failing to satisfy item (4) of 37 CFR 1.47(a). Specifically, the declaration of one of the inventors (Mr. Baranek) contained noninitialed changes in ink on the declaration regarding his residence, and was not accepted.

In the subject papers, the 37 CFR 1.47(a) applicants provided a new declaration signed by Mr. Baranek. This declaration is in compliance with 37 CFR 1.497(a) and (b) and meets the requirements of section 409.03(a) of the MPEP. Item (4) of 37 CFR 1.47(a) is complete.

All the requirements of 37 CFR 1.47(a) are now satisfied.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 02 May 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 16 October 2009.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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18 DEC 2009

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Chadwick A. Wierenga
7391 Silver Cove Ct.
Linden, MI 48451

In re Application of
MILLER *et al*
Application No.: 11/919,805
PCT No.: PCT/GB2006/001590
Int. Filing Date: 02 May 2006
Priority Date: 02 May 2005
Docket No.: ELO-00010 (ELOPAK-321-624)
For: APPARATUS AND METHOD

Mr. Wierenga:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

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WARN, HOFFMANN, MILLER & LALONE, P.C.
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17 AUG 2009

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Barbara A. Shimei
Director, Patents & Licensing
Bayer HealthCare LLC - Pharmaceuticals
555 White Plains Road, Third Floor
Tarrytown NY 10591

In re Application of	:	
CLAIRMONT et al.	:	
Application No.: 11/919,819	:	DECISION ON
PCT No.: PCT/US2006/014808	:	
Int. Filing Date: 18 April 2006	:	PETITION UNDER
Priority Date: 06 May 2005	:	
Attorney Docket No.: 5242	:	37 CFR 1.137(b)
For: PITUITARY . . . METHODS OF USE	:	

This decision is in response to applicant's submission filed 15 June 2009.

BACKGROUND

On 18 April 2006, applicant filed international application PCT/US2006/014808 which designated the U.S. and claimed a priority date of 06 May 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 November 2007.

On 02 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 15 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that additional claim fees were due or the additional claims must be canceled and that Sequence Listing requirements needed to be met. The Notification set a TWO (2) MONTH extendable time period for response.

On 15 June 2009, applicants filed the instant submission which includes, *inter alia*, a petition under 37 CFR 1.137(b), a preliminary amendment to the claims, a payment for additional claims, and Sequence Listing requirement.

On 06 August 2009, a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) was mailed indicating a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 02 November 2007 and a 35 U.S.C. 371 date of 15 June 2009.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted an amendment to the claims, a payment for additional claims, and the Sequence Listing requirements on 15 June 2009.

As to item (2), applicant submitted the petition fee on 15 June 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Notification of Acceptance Mailed 06 August 2009

The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form DO/EO/903) mailed 06 August 2009 was mailed prematurely, i.e., before the decision applicant's petition to revive the application under 37 CFR 1.137(b) had been granted. Because applicants' petition has been granted, the application has met the requirements of 35 U.S.C. 371, and the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 dates accorded in Form DO/EO/903 are correct, Form DO/EO/903 is hereby affirmed.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to National Stage Processing Branch of the Office

of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
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UNITED STATES PATENT AND TRADEMARK OFFICE

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26 DEC 2007

KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly VA 20153-1200

In re Application of	:	
YOON	:	
Application No.: 11/919,829	:	DECISION ON
PCT No.: PCT/KR2006/001106	:	
Int. Filing Date: 25 March 2006	:	PETITION UNDER
Priority Date: 25 March 2005	:	
Attorney Docket No.: RPL-0273	:	37 CFR 1.137(b)
For: LIGHT EMITTING DEVICE	:	

This decision is in response to applicant's submission filed 02 November 2007.

BACKGROUND

On 25 March 2006, applicant filed international application PCT/KR2006/001106 which designated the U.S. and claimed a priority date of 25 March 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 28 September 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 September 2007.

On 02 November 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, a declaration of the inventor, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 02 November 2007.

As to item (2), applicant submitted the petition fee on 02 November 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and

accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of the inventor filed 02 November 2007 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) of $130 for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 16-0607.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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UNITED STATES PATENT AND TRADEMARK OFFICE

21 MAY 2009

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Mueting, Raasch & Gebhardt, P.A.
P.O. Box 581336
Minneapolis, MN 55458-1336

In re Application of
GREEN et al.
U.S. Application No. 11/919,832
PCT No.: PCT/GB06/01618
Int. Filing Date: 03 May 2006
Priority Date: 03 May 2005
Attorney Docket No.: 63161US005
For: DISTINGUISHING CELLS IN A SAMPLE BY INACTIVATING EXTRACELLULAR ENZYME BEFORE RELEASING INTRACELLULAR ENZYME

COMMUNICATION REGARDING SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to the declaration filed 21 January 2009, which is being treated as a Request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 03 May 2006, applicant filed international application PCT/GB06/01618. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 09 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 November 2007.

On 02 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee; a copy of the international application; a preliminary amendment; and an application data sheet.

On 26 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497.

On 21 January 2009, applicant filed a declaration executed by Marc Green as inventor and Janet Eisenthal on behalf of deceased inventor, Robert Eisenthal.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration submitted on 21 January 2009 was executed by Janet Eisenthal as "legal representative" of deceased inventor, Robert Eisenthal. The declaration submitted appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the declaration must provide the citizenship, mailing address, and residence information for the legal representative and the name and citizenship of the deceased inventor. Here, the filed declaration does not comply with 37 CFR 1.497(b)(2), in that, it does not provide separate citizenship information for the deceased inventor.

Because the declaration submitted does not include all the information required by 37 CFR 1.497(b)(2), the declaration cannot be accepted under 37 CFR 1.497 and 1.42.

CONCLUSION

For the reasons discussed above, the request for status under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicant has **TWO (2) MONTHS** from the mailing date of this communication to submit a proper response under 37 CFR 1.42 and 37 CFR 1.497. Failure to provide a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a). A proper response must include a new declaration in compliance with 37 CFR 1.497 executed by the legal representative and including all the required information discussed above.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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PTO/SB/130 (03-08)
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11/919,839	Confirmation Number	7205	Filing Date	2007-11-02
Attorney Docket Number (optional)	RK9552WO(US)	Art Unit	2873	Examiner	Not Yet Known
First Named Inventor	Ernst Spandl				
Title of Invention	HINGE FOR SPECTACLES				

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
Ernst		Spandl	

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 A. Jaffe/	Date (YYYY-MM-DD)	2008-04-11
Name	Michael A. Jaffe	Registration Number	36326

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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

In re Application of
Ernst Spandl

Application No. 11919839

Filed:

Attorney Docket No. RK9552WO(US)

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-APR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

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14 JUL 2009

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www.uspto.gov

DILWORTH & BARRESE, LLP
1000 WOODBURY ROAD
SUITE 405
WOODBURY, NY 11797

In re Application of BRIGHT et al :
U.S. Application No.: 11/919,848 :
PCT Application No.: PCT/US2006/016997 :
Int. Filing Date: 03 May 2006 :
Priority Date Claimed: 04 May 2005 : DECISION
Attorney Docket No.: 1321-156 PCT US :
For: FLAME RETARDANT COMPOSITION :
AND POLYURETHANE FOAMS :
CONTAINING SAME :

This is in response to the correspondence filed 17 February 2009, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 03 May 2006, applicant filed international application PCT/US2006/016997, which claimed priority of an earlier United States application filed 04 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 09 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 04 November 2007.

On 02 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 December 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 February 2009, applicant filed the present request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 17 February 2009 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 03 May 2006, and a date under 35 U.S.C. 371(c) of 17 February 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

1 OCT 2009

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of	:	
AREPALLY, Aravind, et al.	:	
Application No.: 11/919,870	:	DECISION ON
PCT No.: PCT/US2006/017405	:	
Int. Filing Date: 05 May 2006	:	PETITION
Priority Date: 06 May 2005	:	
Attorney Docket No.: 26148.060.00	:	UNDER 37 CFR 1.182
For: TRANSCAVAL MESENTERIC VENOUS ANASTOMOSIS AND ACCESS SYSTEM	:	

This decision is in response to applicants' Response to the Notification of Defective Response, filed with the United States Patent and Trademark Office on 10 April 2009.

BACKGROUND

On 05 May 2006, Johns Hopkins University filed an international application, designating the United States, claiming a priority date of 06 May 2005. The application listed four inventors as "inventor only" and listed "Johns Hopkins University" as applicant for the purposes of "all designated states except US."

On 29 June 2006, applicant was advised that according to the national law of the United States, only the inventor is entitled to file a national application and that as no inventor was designated as applicant for the purposes of the United States that the application could be rejected by the United States as a designated Office. No response to this notice was filed.

On 05 November 2007, applicant filed a transmittal letter to the United States Designated/Elected Office accompanied by the basic national fee.

On 01 April 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 30 June 2008, applicants filed a declaration listing four inventors.

On 12 March 2009, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the oath or declaration listed four inventors, while the published international application listed only one.

On 10 April 2009, applicant filed this response to the Notification of Defective Response.

DISCUSSION

The applicants and inventorship in an international application are set during the international phase. The applicants and inventors include those in the filed PCT and any changes made under PCT Rule 92*bis*. The sole applicant in the international application is "Johns Hopkins University". The four inventors were listed as "inventor only". The application failed to identify any applicants for the United States of America.

However, while failing to list applicants for purposes of the United States of America, the international application did identify the inventors in the international application. Since only inventors may be applicants for the United States of America, applicant's filing on 10 April 2009 is being treated as a petition under 37 CFR 1.182 to correct the status of the inventors to "applicant and inventor for the purposes of the US only" to satisfy 35 U.S.C. 373 which requires the international application to be filed by someone qualified to file a national application in the United States. The status will be corrected for the purposes of this national stage filing in the United States.

A review of the declaration of the inventors reveals that it does not comply with 37 CFR 1.497(a)-(b). The declaration is composed of one page 1, one page 2 and three pages 3. Each page 3 lists the same inventors, but was separately executed. While it is acceptable for inventors to execute separate copies of an oath or declaration, the complete copy must be returned to the Office. It is not acceptable to piece together pages from separate copies of the declaration to create a single composite declaration. The complete declarations in compliance with 37 CFR 1.497(a)-(b) must be returned to the Office. MPEP 605.04(a).

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.182 is **GRANTED**.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 12 March 2009 is **VACATED**.

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available. Failure to timely reply will result in the abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

07 JAN 2008

United States Patent and Trademark Office

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RATNERPRESTIA
P O BOX 980
VALLEY FORGE PA 19482-0980

In re Application of	:	
McIver et al.	:	
Application No.: 11/919,886	:	
PCT No.: PCT/CA2005/000424	:	
Int. Filing Date: 18 March 2005	:	DECISION
Earlier Priority Date: 18 March 2004	:	
Attorney Docket No.: EMD-127US	:	
For: Isoflavonoid Compound And Use Thereof	:	

The petition to revive under 37 CFR 1.137(b) filed 01 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant provides a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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Nields, Lemack & Frame, LLC
176 E. Main Street
Suite #5
Westborough MA 01581

COPY MAILED
MAR 15 2010

In re Application of :
Masuda et al. :
Application No. 11/919,912 :
Filed: November 5, 2007 :
Attorney Docket No. 441P116 :
:

LETTER REGARDING
PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR REDUCTION OF PATENT TERM ADJUSTMENT", filed September 10, 2009. Pursuant to their duty of candor and good faith to the Office, applicants disclose that the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) should be corrected from fifty-seven (57) days to zero (0) days.

The request for review of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is zero **(0)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On July 23, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is (57) days. Applicants point out that the 371 date for PTA purposes was established to be 30 months after the priority date, November 11, 2007. However, applicants contend that the Office did not receive a declaration until January 9, 2008, thus January 9, 2008 should be the date used to determine the Office's 14-month delay.

Applicants are correct a 0 day adjustment is required for failure by the Office to mail at least one of the notifications

under 35 U.S.C. 132 not later than fourteen months after the date on which the application fulfilled the requirements under 35 U.S.C. 371, pursuant to 37 CFR §1.702(a)(1). The date the requirements for fulfillment of 35 U.S.C. 371 were met was January 9, 2008, the date of receipt of the declaration. A non-final Office action was mailed on March 9, 2009, which is 14 months and 0 days after the application fulfilled the requirements of 35 U.S.C. 371 on January 9, 2008. As such an adjustment pursuant to 37 CFR §1.702(a)(1) is not required.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance mailed July 23, 2009 is zero **(0)** days.

As this letter was submitted as an advisement to the Office of an error against applicants' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the Petitions Attorney Charlema Grant at (571) 272-3215.

/Kery Fries/

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Associate Commissioner
For Patent Examination Policy

Enclosure: Copy of REVISED PALM Screen

PTA Calculations for Application: 11/919912			
Application Filing Date:	11/05/2007	PTO Delay (PTO):	57
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-57		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
42	03/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		114	
41	03/14/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	57		
34	07/23/2009	MAIL NOTICE OF ALLOWANCE			
33	07/20/2009	ISSUE REVISION COMPLETED			
32	07/15/2009	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
31	07/06/2009	DOCUMENT VERIFICATION			
30	07/06/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
29	07/06/2009	CASE DOCKETED TO EXAMINER IN GAU			
28	07/06/2009	NOTICE OF ALLOWABILITY			
26	06/30/2009	DATE FORWARDED TO EXAMINER			
25	05/26/2009	RESPONSE AFTER NON-FINAL ACTION			
24	03/09/2009	MAIL NON-FINAL REJECTION	57		8
23	03/04/2009	NON-FINAL REJECTION			
22	01/29/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
21	02/16/2009	CASE DOCKETED TO EXAMINER IN GAU			
20	01/31/2009	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
19	08/16/2008	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
18	01/29/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	01/29/2008	REFERENCE CAPTURE ON IDS			
16	01/30/2009	CASE DOCKETED TO EXAMINER IN GAU			
12	01/29/2009	CASE DOCKETED TO EXAMINER IN GAU			
11	01/08/2009	PG-PUB ISSUE NOTIFICATION			

10	10/09/2008	FILING RECEIPT - CORRECTED			
9	09/25/2008	APPLICATION DISPATCHED FROM OIPE			
8	11/11/2007	371 COMPLETION DATE			
7	09/05/2008	SENT TO CLASSIFICATION CONTRACTOR			
6	09/05/2008	FILING RECEIPT			
5	09/05/2008	NOTICE OF DO/EO ACCEPTANCE MAILED			
4	01/29/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
3	11/19/2007	CLEARED BY OIPE CSR			
2	11/19/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

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OFFICE OF PETITIONS

Applicants: Akikazu Matsumoto
Appl. No.: 11/919,921
Filing Date: May 8, 2006
Title: DEGRADABLE POLYMAR AND PROCESS FOR PRODUCTION THEREOF
Attorney Docket: 12480-000286/US
Pub. No.: US 2009/0069448 A1
Pub. Date: March 12, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 12, 2009, for the above-identified application.

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains an incorrect Priority date for Foreign Application 2005-136699, as the Office improperly published the date as September 5, 2005, not May 9, 2005.

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

The error on the front page of the publication wherein the foreign application priority data JAPAN 2005 - 136699 05/09/2005 is misprinted as JAPAN 2005 - 136699 09/05/2005 may be an Office error, but is not a material Office error under 37 CFR 1.221. The misprinting of the foreign priority data does not affect the understanding of the application. The misprint 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. The

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

error to the priority date also does not affect the use of the patent application publication as a prior art reference, because the foreign priority date is not usable as a reference date.

On December 4, 2008, a Filing Receipt was mail by the Office, which incorrectly listed the Foreign Application Priority data. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a corrected filing receipt prior to export of the publication to the publisher.

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Noriyuki Aramaki	: DECISION ON REQUEST FOR
Patent Number	: 7595578	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/919,942	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **168** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

13 FEB 2009

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Borson Law Group, PC
1320 Willow Pass Road
Suite 490
Concord, CA 94520-5232

In re Application of
SIEG et al.
U.S. Application No.: 11/919,952
PCT No.: PCT/US06/17534
Int. Filing Date: 05 May 2006
Priority Date: 06 May 2005
Attorney Docket No.: NRNZ-01023US11
For: NEURAL REGENERATION PEPTIDES AND METHODS FOR THEIR USE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition to Accept Declaration When an Inventor Refuses to Sign or Cannot Be Reached under 37 CFR 1.47(a)" filed 02 October 2008.

BACKGROUND

On 05 May 2006, applicants filed international application PCT/US06/17534 which claimed a priority date of 06 May 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 November 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 06 November 2007.

On 05 November 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, among other things, the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 02 October 2008, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the nonsigning inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the

nonsigning inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Regarding item (1), applicants have only provided payment of $130.00 for the petition fee. Applicant is advised that pursuant to 37 CFR 1.17(g) the petition fee is $200.00. As authorized, the additional $70.00 due will be deducted from deposit account no.: 50-4089. The petition expressly states the last known address of the nonsigning inventor. Items (1) and (2) are therefore satisfied.

As to Item (3), a review of the declaration filed on 02 October 2008 reveals that declaration is not in an acceptable form. Specifically, there is an issue as to whether the declaration has been properly executed. The declaration filed with the petition includes a duplicate sheet of "Page 3 of 6." It is unclear if the inventors were presented with only their signature page, in which case the execution would be improper, or if they were presented with a complete declaration for signing, but counsel subsequently compiled the declaration into the single document filed 02 October 2008, which is also improper. (See MPEP 201.03) Therefore, item (3) has not been satisfied.

Regarding item (4) above, petitioner states that Frank Sieg has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, and drawings) to Frank Sieg. The Declaration of Benjamin Borson states that "Frank Sieg refuses to sign the Declaration." The declaration fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventor at his/her last known address. Where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application

materials have been received by the nonsigning applicant. In cases where it is argued that the non-action of an inventor should be considered a refusal to cooperate it is especially important to provide proof of delivery of the papers, as well as, a firsthand statement of the preparation and mailing of the papers. In addition, the petition relies on evidence directed to the nonsigning inventor, but a firsthand statement from the person (Paulina Luczynska) who apparently sent the communication has not been provided.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Frank Sieg, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Frank Sieg under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

27 MAR 2009

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

Borson Law Group, PC
1320 Willow Pass Road
Suite 490
Concord, CA 94520-5232

In re Application of SIEG et al.
U.S. Application No.: 11/919,952
PCT No.: PCT/US06/17534
Int. Filing Date: 05 May 2006
Priority Date: 06 May 2005
Attorney Docket No.: NRNZ-01023US11
For: NEURAL REGENERATION PEPTIDES AND METHODS FOR THEIR USE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

In a decision mailed by this Office on 13 February 2009, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted adequate evidence that the nonsigning inventor had received a copy of the complete application papers and refused to execute application. Further, petitioner had not submitted an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventor (the declaration submitted appeared to be a compilation of multiple declaration documents).

On 16 March 2009, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Paulina Luczynska, with accompanying documents, which provides the required firsthand evidence that a copy of the complete application was delivered to the inventor, and that he has not provided the executed declaration, as requested. Additionally, the renewed petition is accompanied by copies of the complete six-page declaration documents executed by the two cooperating inventors, each of which includes an unsigned signature block for the non-signing inventor. These materials satisfy the outstanding requirements for a grantable petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor Frank Sieg.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

27 MAR 2009

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

Frank Sieg
20a Springfield Road
Western Springs, Auckand
New Zealand

In re Application of SIEG et al.
U.S. Application No.: 11/919,952
PCT No.: PCT/US06/17534
Int. Filing Date: 05 May 2006
Priority Date: 06 May 2005
Attorney Docket No.: NRNZ-01023US11
For: NEURAL REGENERATION PEPTIDES AND METHODS FOR THEIR USE

Dear Frank Sieg:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Borson Law Group, PC
1320 Willow Pass Road
Suite 490
Concord, CA 94520-5232

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUL 19 2010

OFFICE OF PETITIONS

BORSON LAW GROUP, PC
1078 CAROL LANE, #200
LAFAYETTE CA 94549

In re Application of	:	
Frank SIEG, et al	:	
Application No. 11/919,952	:	DECISION ON PETITION
Filed: March 16, 2009	:	TO WITHDRAW
Attorney Docket No. NRNZ-01023US11	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed June 10, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

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

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

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

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

20 OCT 2009

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

27476
NOVARTIS VACCINES AND DIAGNOSTICS INC.
Intellectual Property - X100B
P.O. Box 8097
Emeryville, CA 94662-8097

In re Application of	:	
SERRA *et al*	:	
U.S. Application No.: 11/919,955	:	
PCT No.: PCT/IB2006/001696	:	
Int. Filing Date: 08 May 2006	:	**DECISION**
Priority Date: 06 May 2005	:	
Docket No.: PP028067.0003 (2300-28067	:	
For: TCR-INDEPENDENT ACTIVATION OF T CELLS	:	

This is a decision on the "Response to Notification of Defective Response" filed 02 July 2009.

BACKGROUND

On 05 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a sequence listing were required. Applicants were given two months to comply with extensions of time available.

On 22 April 2009, applicants filed an executed declaration. Applicants also stated that a sequence listing was not required as there are no nucleotide or amino acid sequences present in the application.

On 09 June 2009, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) noting that the current declaration does not comply with 37 CFR 1.497(a) and (b) because of a discrepancy in the first name of the first inventor. Applicants were given one month to respond or any time remaining in the Form PCT/DO/EO/905, whichever is longer.

On 02 July 2009, applicants filed the subject response to the Form PCT/DO/EO/916.

DISCUSSION

In the subject response, applicants' state that "[t]he name of inventor Alessandro Serra was inadvertently misspelled during the International Stage. The spelling on the

Declaration is correct."

Section 1893.01(e) of the Manual of Patent Examining Procedure (MPEP) states that where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.182 is not required. In such case, the Office should simply be notified of the error. Applicants' explanation meets the requirements of the MPEP.

A typographical error was made in the international application with regards to the first name of the inventor, Alessandro Serra.

CONCLUSION

For the reason discussed above, the declaration filed 22 April 2009 is deemed to be in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 08 May 2006, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 22 April 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Alexandria, VA 22313-1450
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Ormu & Ruth
53 West Jackson Boulevard
Chicago IL 60604-3606

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OFFICE OF PETITIONS

In re Application of	:	
Reto Schletti, et al.	:	
Application No. 11/919,956	:	NOTICE
Filed: November 5, 2007	:	
Attorney Docket No. 14777	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to Terri Johnson at (571) 272-2991.

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.
11/919,977		Yusuke Adachi	079195-0279	9598

53080 7590 03/31/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER	
ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
03/31/2008	PAPER

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

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

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

APR - 1 2008

In re Application of
Yusuke ADACHI
Application No.: 11/919,977
Filed: November 6, 2007
Attorney Docket No.: 079195-0279
For: ULTRASONIC ACTUATOR

: 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 January 29, 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).

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 Brian Sircus at 571 272 2058.

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.

Brian Sircus
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
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/919,994		Yusuke Adachi	079195-0280	9584

53080 7590 05/02/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER	
ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
05/02/2008	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
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McDERMOTT, WILL & EMEY LLP
600 Thirteenth Street, N.W.
Washington, DC 20005-3096

In re Application of
Yusuke ADACHI, et al.
Application No.: 11/919,994
Filed: November 7, 2007
Attorney Docket No.: 079195-0280

For: ULTRASONIC ACTUATOR

: 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 29 January 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 a copy of the Notification of Reasons for Refusal or
    iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

   Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;

6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

It is noted that the instant JPO application is a first action allowance and no office action from the JPO is necessary.

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

05 DEC 2007

DAY PITNEY LLP
7 TIMES SQUARE
NEW YORK, NY 10036-7311

In re Application of FORSYTH	:	
U.S. Application No.: 11/920,028	:	
PCT Application No.: PCT/US2004/015480	:	
Int. Filing Date: 18 May 2004	:	DECISION
Priority Date Claimed: 23 September 2003	:	
Attorney Docket No.: 3029-165	:	
For: LOW COST WAFER BOX IMPROVEMENTS	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 05 November 2007.

BACKGROUND

On 18 May 2004, applicant filed international application PCT/US2004/015480, which claimed priority of an earlier United States application filed 23 September 2003. The thirty-month period for paying the basic national fee in the United States expired on 23 March 2006.

International application PCT/US2004/015480 became abandoned as to the United States for failure to timely pay the basic national fee.

On 05 November 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

27 DEC 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK NY 10036

In re Application of	:	
HASMAN et al.	:	
Application No.: 11/920,049	:	DECISION
PCT No.: PCT/IL2006/000533	:	
Int. Filing Date: 04 May 2006	:	
Priority Date: 03 May 2005	:	
Attorney Docket No.: P-70359-US	:	
For: SPACE-VARIANT POLARIZATION	:	
MANIPULATION OF THERMAL EMISSION	:	

This decision is in response to applicants' submission filed 08 November 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 04 May 2006, applicant filed international application PCT/IL2006/000533 which designated the U.S. and claimed a priority date of 03 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 09 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 November 2007 (03 November 2007 being a Saturday).

On 08 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an unexecuted declaration of inventors, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 08 November 2007.

As to item (2), applicant submitted the petition fee on 08 November 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

Daniel Stemmer
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Legal Administration
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0 1 DEC 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of	:	DECISION
HAZMAN et al.	:	
Application No.: 11/920,049	:	
PCT No.: PCT/IL2006/000533	:	
Int. Filing Date: 04 May 2006	:	
Priority Date: 03 May 2005	:	
Attorney Docket No.: P-70359-US	:	
For: SPACE-VARIANT POLARIZATION MANIPULATION OF THERMAL EMISSION	:	

This decision is in response to applicants' petition under 37 CFR 1.497(d) filed 25 September 2008.

BACKGROUND

On 04 May 2006, applicants filed international application PCT/IL2006/000533 which designated the U.S. and claimed a priority date of 03 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 09 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 November 2007 (03 November 2007 being a Saturday).

On 08 November 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an unexecuted declaration of inventors, and a petition under 37 CFR 1.137(b) to revive the application.

On 27 December 2007, a decision was mailed granting applicants' petition under 37 CFR 1.137(b).

On 07 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 25 September 2008, applicants submitted a declaration of inventors and the instant petition under 37 CFR 1.497(d) requesting that two inventors be added. The petition was accompanied by a statement from Gabriel Biener and Vladimir Kleiner, a consent of assignee statement from Technion Research & Development Foundation Ltd., and a statement under 3.73(b).

On 02 October 2008, a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.497 (Form PCT/DO/EO903) was mailed according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) dated of 25 September 2008.

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Items (1)-(3) have been satisfied. Item (4) is not required.

The declaration of inventors filed 25 September 2008 is in compliance with 37 CFR 1.497(a)-(b).

The NOTICE OF ACCEPTANCE mailed 02 October 2008 is hereby AFFIRMED.

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

The NOTICE OF ACCEPTANCE mailed 02 October 2008 is AFFIRMED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with

this decision including processing the application in the name of Erez Hasman, Nir Dahan, Avi Niv, Gabriel Biener, and Vladimir Kleiner as inventors.

/Daniel Stemmer/

Daniel Stemmer
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PCT Legal Affairs
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27 MAY 2010

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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of: GOLAN, Itshak, et al.
U.S. Application No.: 11/920,054
PCT Application No.: PCT/IL2006/000548
International Filing Date: 09 May 2006
Priority Date: 10 May 2005
Atty Docket No.: 42216
For: NOVEL GALECTIN SEQUENCES AND COMPOSITIONS ...

DECISION

This decision is issued in response to the "Petition To Accept An Unintentionally Delayed Claim Of Benefit Of Earlier Filing Date And Cross-References To Other Applications (37 CFR 1.78(a)(6))" filed 18 February 2010, treated herein under 37 CFR 1.78(a)(3).[1] The petition seeks acceptance of an unintentionally delayed claim for the benefit of prior-filed U.S. non-provisional application number 11/907,893. Applicants have paid the required petition fee.

The petition is **DISMISSED** without prejudice.

A petition for acceptance of a late claim for priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. The present application was filed 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). Here, the claim for the benefit of priority to the prior filed U.S. non-provisional application (11/907,893) was submitted after the 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 grantable petition under 37 CFR 1.78(a)(3) must include the following:

(1) the reference to the prior-filed application, as required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), unless previously submitted;
(2) the surcharge set forth in 37 CFR 1.17(t);
(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.

[1] The petition references 37 CFR 1.78(a)(6); however, 37 CFR 1.78(a)(6) applies to the addition of an unintentionally delayed claim for the benefit of a provisional application. Where, as here, an applicant seeks to add a delayed benefit claim directed to a prior-filed non-provisional application, the applicable regulation is 37 CFR 1.78(a)(3).

The present petition does not comply with item (1) above. Specifically, the amendment filed with the present petition, which seeks to add a reference identifying the present application as a continuation-in-part of U.S. application number 11/907,893, is defective in that it indicates that the prior-filed applications referred to therein, including U.S. application 11/907,893, are "all incorporated herein by reference."

As set forth in MPEP section 201.06(c)(IV):

> 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 Indus. v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980).

Here, the application as filed did not include an incorporation by reference statement with respect to U.S. application number 11/907,893; thus, the inclusion in the present amendment of an incorporation by reference statement directed to such application is improper.

Based on the above, the reference to prior-filed U.S. application number 11/907,893 contained in the present amendment is not acceptable as filed.

Before the petition under 37 CFR 1.78(a)(3) may be granted, a substitute amendment is required, along with a renewed petition under 37 CFR 1.78(a)(3). No additional petition fee is required.

Further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any questions concerning this matter may be directed to Richard Ross at (571) 272-3296.

Bryan Lin
Legal Examiner
Office of Petitions and PCT Legal Administration

2 1 JUL 2009

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Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago IL 60610

In re Application of :
McLUCKEY et al. :
Application No.: 11/920,062 :
PCT No.: PCT/US2006/016549 :
Int. Filing Date: 01 May 2006 : DECISION ON PETITION
Priority Date: 09 May 2005 :
Attorney Docket No.: 12264/271 (64319.00.US) :
For: PARALLEL ION PARKING IN ION TRAPS :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(b) for Non-Signing Inventor" filed 11 June 2009 to accept the application without the signature of joint-inventor, Paul A. Chrisman.

BACKGROUND

On 01 May 2006, applicants filed international application PCT/US2006/016549 which claimed a priority date of 09 May 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 09 November 2007.

On 07 November 2007, applicants filed a transmittal letter for entry into the national stage in the United States for international application PCT/US2006/016549, which included, among other materials, the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an information disclosure statement.

On 12 November 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond. The notification set a two-month time limit in which to respond.

On 11 June 2009, applicants filed the present petition under 37 CFR 1.47(b) and a five-month extension of time fee.

DISCUSSION

It is noted that where an inventor has signed the declaration, a petition under 37 CFR 1.47(b) is not an available remedy. Therefore, the petition will be treated as a petition under 37 CFR 1.47(a). A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), petitioner asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

Here, the evidence submitted to demonstrate Paul A. Chrisman's refusal to execute the application papers is contained in the Statement of Karen F. White included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the MPEP states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (Paul A. Chrisman). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Paul A. Chrisman under 37 CFR 1.47(a) at this time.

CONCLUSION

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

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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21 JUL 2009

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Paul A. Chrisman
106 South Bone Drive
Normal, IL 64761

In re Application of
McLUCKEY et al.
Application No.: 11/920,062
PCT No.: PCT/US2006/016549
Int. Filing Date: 01 May 2006
Priority Date: 09 May 2005
Attorney Docket No.: 12264/271 (64319.00.US)
For: PARALLEL ION PARKING IN ION TRAPS

Dear Paul A. Chrisman:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Anthony Smith
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Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
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Chicago IL 60610

18 JAN 2008

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LAW OFFICES OF CLEMENT CHENG
17220 NEWHOPE STREET #127
FOUNTAIN VALLEY CA 92708

In re Application of	:	
BAUER, Ulla et al.	:	
Application No.: 11/920,100	:	DECISION
PCT No.: PCT/DE2005/002335	:	
Int. Filing Date: 30 December 2005	:	ON PETITION UNDER
Priority Date: 07 January 2005	:	
Docket No.: SE37US2	:	37 CFR 1.137(b)
For: NASAL CANNULA,NOSEPIECE, Y-SHAPED ELEMENT AND CORRESPONDING METHOD	:	

Applicant's Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 08 November 2007 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant supplied a declaration of the inventors. However, the declaration indicates that the first named inventor has changed her name. A petition under 37 CFR 1.182 as set out in MPEP 605.04(c) is required. Additionally, the fee for late filing of the search fee, examination fee or oath or declaration has not yet been furnished.

A petition as set out in MPEP 605.04(c) and the surcharge for furnishing the search fee, examination fee or oath or declaration after 30 months from the priority date are required within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically or if mailed should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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30 JUN 2008

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LAW OFFICES OF CLEMENT CHENG
17220 NEWHOPE STREET #127
FOUNTAIN VALLEY, CA 92708

In re Application of	
Schobel, Ulla et al.	
Application No.: 11/920,100	DECISION
PCT No.: PCT/DE2005/002335	
Int. Filing Date: 30 December 2005	ON PETITION UNDER
Priority Date: 07 January 2005	
Docket No.: SE37US2	37 CFR 1.137(b)
For: NASAL CANNULA,NOSEPIECE, Y-SHAPED ELEMENT AND CORRESPONDING METHOD	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 11 April 2008.

BACKGROUND

On 18 January 2008, the Office mailed a Decision On Petition Under 37 CFR 1.137(b), granting applicant's petition but indicating that the declaration of the inventors listed an inventor by a name other than the one on the international application.

On 11 April 2008, applicant submitted this petition under 37 CFR 1.182, accompanied by the fee for a one month extension of time.

DISCUSSION

Applicant has supplied a statement signed by Ulla Schobel stating that her name changed subsequent to her marriage. She states that she is the inventor in the international application and was formerly known as Ulla Bauer. This is adequate explanation.

As applicant provided the surcharge for acceptance of the late filed search fee, examination fee or oath or declaration on 11 April 2008, the date under 35 USC 371(c)(1), (c)(2) and (c)(4) is 11 April 2008.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

This application is being forwarded to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371 (c)(1), (c)(2) and (c)(4) date of 11 April 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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22 APR 2008

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Lawrence P. Zale
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In re Application of	:	
CHANDRA, et al.	:	
Application No.: 11/920,103	:	DECISION ON PETITION
PCT No.: PCT/US06/17547	:	
Int. Filing Date: 08 May 2006	:	UNDER 37 CFR 1.10(e)
Priority Date: 10 May 2005	:	
Atty. Docket No.: W-01133 US NOBLE	:	
For: PROCESS FOR SPUN YARN	:	

This is a decision on applicant's correspondence filed 08 April 2008 in the United States Patent and Trademark Office (USPTO). The petition is being treated as a petition under 37 CFR 1.10(e) to reconstruct lost papers filed using Express Mail from the United States Postal Service. No petition fee is required.

BACKGROUND

On 08 May 2006, applicant filed international application PCT/US06/17547, which claimed priority of an earlier application filed 10 May 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 10 November 2007.

On 07 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by payment of the U.S. basic national fee and an assignment document for recording.

On 08 April 2008, applicant filed the present petition under 37 CFR 1.10(e).

DISCUSSION

A review of USPTO records finds applicant's original 07 November 2007 filing contained therein. The papers have been assigned U.S. serial number 11/920,103. As such, it is not necessary to consider the petition under 37 CFR 1.10(e) to accept the copies presently filed as having been filed on 07 November 2007.

It is noted that the transmittal letter filed 07 November 2007 does not contain any information regarding a correspondence address nor customer number. Applicant is unable to access the application through Private PAIR due to the lack of customer number information.

This information should be mailed to: Mail Stop EBC Customer Number, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CONCLUSION

Applicant's petition under 37 CFR 1.10(e) is **DISMISSED as moot**.

This application is being forwarded to the U.S. National stage processing division for continued processing. Applicant is advised that no further correspondence will be mailed to applicant without applicant providing correspondence information.

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2 3 FEB 2009

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41131
Kenneth E. Darnell
2010 West 7th Street
Coffeyville, KS 67337

In re Application of :
YATES *et al* :
Application No.: 11/920,105 :
PCT No.: PCT/US2006/018041 :
Int. Filing Date: 08 May 2006 : **DECISION**
Priority Date: 11 May 2005 :
Attorney Docket No.: PWV-P012-US :
For: PROCESSING OF GRAINS AND THE LIKE :

This is a decision on the declaration filed with the national stage papers on 07 November 2008 which has been treated as a petition under 37 CFR 1.42.

BACKGROUND

On 07 November 2008, applicants filed papers to enter the national stage of PCT/US2006/018041 which were accompanied by, *inter alia*, a declaration signed by two of the five named inventors and the legal representative of a deceased joint inventor.

DISCUSSION

Applicants have furnished a declaration signed by two joint inventors and by the legal representative of William E. Hahn. 37 CFR 1.42 states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(a)(3) requires that the citizenship of each inventor must be listed on the declaration. 37 CFR 1.497(b)(2) states that the citizenship, residence, and mailing address of the legal representative of an inventor must also be recorded on the declaration.

A review of the declaration submitted shows that citizenship, residence and mailing address information are listed in the box for the deceased inventor which was signed by the legal representative, Melva Hahn.

However, it is not clear if this information is for the legal representative, or the

deceased joint inventor. Regardless, this information is required for both, and must be clearly identified as such on the declaration.

Accordingly, the declaration does not comply with 37 CFR 1.497(a) and (b).

CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

The declaration must be executed by all four named inventors and the legal representative of the deceased fifth inventor. If applicants are unable to obtain the signature of all inventors, a petition under 37 CFR 1.47 may be appropriate.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

23 MAR 2009

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41131
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Coffeyville, KS 67337

In re Application of :
YATES *et al* :
Application No.: 11/920,105 :
PCT No.: PCT/US2006/018041 :
Int. Filing Date: 08 May 2006 : **DECISION**
Priority Date: 11 May 2005 :
Attorney Docket No.: PWV-P012-US :
For: PROCESSING OF GRAINS AND THE LIKE :

This is a decision on the papers filed via facsimile on 20 March 2009 which are treated as a renewed petition under 37 CFR 1.42.

BACKGROUND

On 23 February 2009, a decision dismissing applicants' declaration submitted under 37 CFR 1.42 on 07 November 2008 was mailed. Applicants were given two months to respond with extensions of time available.

On 20 March 2008, applicant submitted a "Declaration of Agent of Record" via facsimile.

DISCUSSION

The declaration filed 07 November 2008 was not accepted as the citizenship, residence and mailing address information listed in the box for the deceased inventor was signed by the legal representative, Melva Hahn. However, it was not clear whether the information was for the legal representative, or the deceased joint inventor as it is required for both by 37 CFR 1.497(a) and (b).

After contacting the undersigned to discuss the prior decision, it was determined that a declaration by the agent of record would be sufficient to cure this defect.

In the papers filed via facsimile on 19 March 2009, applicants submitted a declaration by the agent of record declaring that "after investigation" the address and citizenship of Melva Hahn was "the same at the time of execution of the Declaration by Melva Hahn filed in the above-noted application. This declaration by Mr. Darnell is accepted.

CONCLUSION

The renewed papers filed under 37 CFR 1.42 are **ACCEPTED**.

The declaration filed 07 November 2008 is now in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the DO/EO/US for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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06 AUG 2009

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Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re Application of	:	
MORIKAWA et al.	:	
Application No.:11/920,112	:	
PCT No.: PCT/JP2006/309340	:	DECISION ON REQUEST
Int. Filing Date: 09 May 2006	:	
Priority Date: 10 May 2005	:	
Attorney Docket No.: 134532	:	
For: TRANSRECEIVER, COMMODITY AND SERVICE TRADING SYSTEM, AND TRANSMITTER AND RECEIVER USED THEREIN		

This decision is issued in response to applicants' "Request for Correction of Inventor's Name" filed 17 June 2008. Applicants are notifying the Office that the third inventor's name is Shunsuke Saruwatari as indicated on the declaration (filed 23 May 2008) rather than Syunsuke Saruwatari as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Petitioner asserts in the present petition that "the third inventor's name was misspelled as 'Syunsuke Saruwatari' rather than the correct 'Shunsuke Saruwatari'. . .the spelling of third inventor's given name was an error." As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation of the difference in the spelling of the third inventor's name is accepted and noted for the record. For the reasons above, the request is **GRANTED**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of :
Franco SANTI :
Application No. 11/920,120 : RESPONSE
Filed: November 9, 2007 :
Attorney Docket No. 1034170-000036 :

This is a response to the letter filed December 16, 2008, seeking to expunge misfiled information from the application bearing the serial number 11/620,120.

Petitioner requests that executed Combined Declaration and Power of Attorney, filed November 21, 2007, be expunged from the record of the application 11/620,120, as the documents in question was intended for the instant application, but got filed in the application 11/620,120, through a "typographical error."

As an initial matter, the requestor must note that the instant request has not been filed in the application 11/620,120 from which information is to be expunged. Additionally, the requestor is neither the applicant nor applicant's duly appointed representative in the application 11/620,120. However, as noted in MPEP § 724.05, paragraph III, in regard to the unintentional submission of information, where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition. In this instance, the Office was able to determine that the documents in question were filed in an incorrect application. In view thereof, the documents have been "closed" in the Image File Wrapper of the application 11/620,120, thereby preventing access thereto by the public. As these documents have been filed concurrently with the instant request in the instant application, the documents are not being transferred to the instant application. No petition was needed and as such no petition fee has been charged.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272 4914.

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
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

Mail Date: 04/21/2010

Applicant	: Ken Harada	: DECISION ON REQUEST FOR
Patent Number	: 7655905	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/920,132	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **256** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

2 5 SEP 2009

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of:	:	
ALESSANDRELLI, Roberto	:	DECISION ON PETITION UNDER
U.S. Application No.: 11/920,134	:	37 CFR 1.47(b)
PCT No.: PCT/EP2006/061093	:	
International Filing Date: 28 March 2006	:	
Priority Date: 10 May 2005	:	
Attorney's Docket No.: 2007_1799A	:	
For: DISH-WASHING MACHINE	:	

This decision is issued in response to the "Petition To File Application On Behalf Of Nonsigning Inventor Under 37 C.F.R. §1.47(b), Pursuant To 35 U.S.C. §118" filed 07 July 2009. Deposit Account No. 23-0975 will be charged the required $200 petition fee.

BACKGROUND

On 28 March 2006, applicant filed international application PCT/EP2006/061093. The application claimed a priority date of 10 May 2005, and it designated the United States. On 16 November 2006, the International Bureau (IB) communicated a copy of the international application to the United States patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 10 November 2007.

On 09 November 2007, petitioner filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an unexecuted declaration.

On 07 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 07 July 2009, petitioner filed a response to the Notification Of Missing Requirements (with required four-month extension fee). The response included payment of the required surcharge and the petition under 37 CFR 1.47(b) considered herein. The petition seeks acceptance of the application without the signature of the sole inventor, whom petitioner asserts has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor; (5) proof of proprietary interest in the application: and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

Regarding item (1), petitioner has provided the authorization to charge Deposit Account No. 23-0975 for required fees, pursuant to which the Deposit Account will be charged the required $200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), applicants assert that the non-signing inventor has refused to execute the application. Where it is asserted that an inventor has refused to execute the application papers, section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states that a "copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." In addition, the MPEP states that: "[w]hen it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted."

Here, the petition is accompanied by a declaration of Paolo Markovina, with supporting documents, setting forth the efforts made to obtain the inventor's signature. The declaration refers to three separate signature requests forwarded to the non-signing inventor at his last known address by Mr. Markovina, as well as one request forwarded by email. Applicant responded by letter to the first signature request, asking for further information, compensation, and a copy of the application (which was not included with this first signature request). The record indicates that the subsequent signature requests were delivered to the inventor's address and were accompanied by copies of the complete application, and that no response was received from the inventor with respect to these subsequent signature requests. These materials provide an acceptable showing that the inventor has been provided with multiple signature requests accompanied by copies of the complete application, and that the inventor has refused to provide the requested signature in response to such requests. Item (2) of a grantable petition is therefore satisfied.

Regarding item (3), the petition includes an express statement of the last known address of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition includes an oath or declaration that includes an unsigned signature block for the non-signing inventor and which has been executed on behalf of the 37

CFR 1.47(b) applicant, Electrolux Home Products Corporation ("Electrolux"). Item (4) is therefore satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

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

Here, 37 CFR 1.47(b) applicant Electrolux' assertion of proprietary interest appears to be based on the inventor's employment with Electrolux at the time of the invention. Section 409.03(f) of the MPEP states the following with respect to situations where, as here, an assertion of proprietary interest appears to be based on an employment agreement:

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

Petitioner here has not provided a copy of any employment agreement between the inventor and Electrolux. Petitioner has provided a document entitled "Recordal Of Invention," but the copy of this document provided is only partially illegible. In addition, petitioner has provided no firsthand statement describing how this document was generated or confirming that the invention referred to in such document is the invention underlying the present document. Petitioner also relies on the inventor's statements in his 12 December 2007 letter as evidence of Electrolux's proprietary interest in the invention; however, the legal rights to the invention are determined based on the applicable law and contractual agreements, not by the inventor's stated understanding of such. Moreover, in this same 12 December 2007 letter, the inventor indicates that he has not yet seen a copy of the patent application at issue. It is therefore unclear whether the inventor's statements even apply to the invention underlying the present application. Based on the above, petitioner has not provided an adequate showing that the inventor was obligated to assign the present invention to Electrolux pursuant to either a contractual agreement with Electrolux or applicable law.[1] The present petition therefore does not adequately demonstrate the required proprietary interest of the 37 CFR 1.47(b) applicant. Accordingly, item (5) is not satisfied on the present record.

---

[1] It is noted that, if petitioner is seeking to assert a proprietary interest in the application under applicable law, as opposed to a contractual agreement to assign, than an appropriate legal memorandum to the effect that a court of competent jurisdiction would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant is required. See MPEP section 409.03(f) for the requirements of such a legal memorandum.

Regarding item (6), the petition includes the required express statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore satisfied.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy item (5) of a grantable petition, as discussed above and in the applicable sections of the MPEP.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273- 0459

UNITED STATES PATENT AND TRADEMARK OFFICE

23 FEB 2010

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of:	:	
ALESSANDRELLI, Roberto	:	DECISION ON RENEWED
U.S. Application No.: 11/920,134	:	PETITION UNDER
PCT No.: PCT/EP2006/061093	:	37 CFR 1.47(b)
International Filing Date: 28 March 2006	:	
Priority Date: 10 May 2005	:	
Attorney's Docket No.: 2007_1799A	:	
For: DISH-WASHING MACHINE	:	

This decision is issued in response to the "Request For Reconsideration Of Petition Under 37 CFR 1.47(b)" filed 28 December 2009, treated herein as a renewed petition. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 25 September 2009. The decision dismissed without prejudice petitioner's petition under 37 CFR 1.47(b) for failure to satisfy the requirements of a grantable petition. Specifically, petitioner had failed to provide an adequate showing of proprietary interest in the application.

On 28 December 2009, petitioner filed the renewed petition considered herein (with required extension fee).

DISCUSSION

The 37 CFR 1.47(b) applicant, Electrolux Home Products Corporation, N.V. ("Electrolux"), bases its claim of proprietary interest on the non-signing inventor's employment agreement and the operation of the applicable Italian law. The materials provided with the renewed petition include a copy of the inventor's employment agreement, a firsthand statement from the inventor's supervisor confirming that the invention underlying the present application was made by the inventor during his time of employment at Electrolux and a statement from petitioner's corporate counsel indicating that, under the facts present here and applicable Italian law, Electrolux is the legitimate and single owner of the present application. These materials, in combination with those submitted with the original petition, provide an acceptable showing that the 37 CFR 1.47(b) applicant has the required proprietary interest in the present application. Petitioner has therefore satisfied the final element of a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**. The application is accepted without the signature of non-signing inventor Roberto ALESSANDRELLI.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 July 2009.

Richard M. Ross
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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23 FEB 2010

Roberto ALESSANDRELLI
Via Monte, San Genesio 27/7
20158 Milano, Italy
ITALY

In re Application of: ALESSANDRELLI, Roberto
U.S. Application No.: 11/920,134
PCT No.: PCT/EP2006/061093
International Filing Date: 28 March 2006
Priority Date: 10 May 2005
Attorney's Docket No.: 2007_1799A
For: DISH-WASHING MACHINE

Dear Mr. ALESSANDRELLI:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join 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.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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Counsel Of Record:
WENDEROTH, LIND & PONACK, L.L.P.
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Washington DC 20005-1503

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Date Mailed : October 22, 2009

Patent No. :7588383
Inventor :Hokimoto et al.
Patent Issued :September 15, 2009
Title :MECHANICAL PENCIL

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

Accordingly, the inventors address as printed is considered to be in accordance with that presented on the declaration/Oath and in accordance with the present rules for printing inventors addresses where assignment data exist in the application file. In assigned patents, the city and U.S. state, or city and foreign country (residence) is captured on the Letters Patent.

Where applicant wish to correct address information and receive a Certificate of Correction; a petition under 37 CFR 1.182 will be required and should be directed to the attention of the Assistant Commissioner for Patents using one of the following methods below:

By Mail: Commissioner of Patents and Trademarks
Box PETITIONS
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

EFS web uspto.gov/ebc/index.html
(must be registered as an e-filer to submit responses)
Technical Support 1-866-217-9197

If the petition under 37 CFR 1.182 is filed and granted the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

In view of the foregoing, applicant's request in this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Ms. Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1544

Wood, Phillips, Katz, Clark
& Mortimer
Citigroup Center, Ste 3800
500 West Madison Street
Chicago, Ill 60661

/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Shunsuke Hokimoto	: DECISION ON REQUEST FOR
Patent Number	: 7588383	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/920,199	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **14** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

27 MAY 2009

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

In re Application of VON LERBER	:	
U.S. Application No.: 11/920,228	:	
PCT Application No.: PCT/FI2005/050156	:	
Int. Filing Date: 12 May 2005	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: 43289-253268	:	
For: OPTICAL SIGNAL PROCESSING DEVICE	:	

This is in response to applicant's "Response to Communication" filed 04 May 2009.

BACKGROUND

On 13 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) under 35 U.S.C. 371. The submission included a transmittal letter (Form PTO-1390) which referenced international application number PCT/FI2006/050156.

On 04 March 2009, this Office mailed a communication which noted that the international filing date, priority date, title and invention, and applicant name listed on Form PTO-1390 is not consistent with the corresponding data for international application number PCT/FI2006/050156.

On 04 May 2009, applicant filed the present response, which is being treated as a petition to correct the application under 37 CFR 1.182 as authorized in the response. The requisite petition fee will be charged to Deposit Account No. 22-0261 as authorized in the response.

DISCUSSION

The petition states that the indication of "PCT/FI2006/050156" as the international application number on the transmittal letter (Form PTO-1390) was the result of a typographical error and that the correct international application number is PCT/FI2005/050156. A review of the papers submitted 13 November 2007 reveals that international application number PCT/FI2005/050156 appeared on at least one document. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The electronic records of the Office will be corrected to reflect that the present application is a national stage application based on international application number PCT/FI2005/050156.

The application has an International Filing Date under 35 U.S.C. 363 of 12 May 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 November 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

27 AUG 2009

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PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN, VA 22102

In re Application of CAISSE et al	:	
U.S. Application No.: 11/920,278	:	
PCT Application No.: PCT/EP2006/062321	:	
Int. Filing Date: 15 May 2006	:	DECISION
Priority Date Claimed: 13 May 2005	:	
Attorney Docket No.: 022290.0184PTUS	:	
For: ORAL MEDICAMENT BASED ON A PROTON PUMP INHIBITORS	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 09 March 2009.

BACKGROUND

On 15 May 2006, applicant filed international application PCT/EP2006/062321, which claimed priority of an earlier France application filed 13 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 23 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 13 November 2007.

On 13 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 07 January 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 09 March 2009, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Gerard Soula refuses to sign the application papers. Petitioner has adequately demonstrated that a bona fide attempt was made to present a copy of the application papers to Dr. Soula for signature that that Dr. Soula received such papers (see Exhibits B and F). Furthermore, petitioner has sufficiently established that Dr. Soula refuses to sign. Specifically, Dr. Soula's failure to respond to the 07 December 2007 and 15 January 2009 letters that were signed for by either him or his relative constitutes a constructive refusal to

cooperate. Therefore, it can be concluded with reasonable certainty that Dr. Soula refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 15 May 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 09 March 2009.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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27 AUG 2009

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

Gerard Soula
33 rue Nungesser
69330 Meyzieu
FRANCE

In re Application of CAISSE et al
U.S. Application No.: 11/920,278
PCT Application No.: PCT/EP2006/062321
Int. Filing Date: 15 May 2006
Priority Date Claimed: 13 May 2005
For: ORAL MEDICAMENT BASED ON A PROTON PUMP INHIBITORS

Dear Gerard Soula:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN, VA 22102
Attorney Docket No.: 022290.0184PTUS

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Michael A Evans
DeWalch Technologies
6850 Wynnwood Lane
Houston, TX 77008

In re Application of :
STACHOWIAK :
U.S. Application No.: 11/920,297 : DECISION ON PETITION
PCT No.: PCT/US06/18335 :
Int. Filing Date: 11 May 2006 : 37 CFR 1.181
Priority Date: 12 May 2005 :
Attorney Docket No.: PAT-032 US PCT :
For: WATTHOUR METER BOX FLANGE AND :
METHOD FOR INSTALLATION OF SAME :

This decision is in response to applicant's "Supplemental Reply to Notification of Missing Requirements" filed 12 December 2008 in the United States Patent and Trademark Office (USPTO). The petition is being treated under 37 CFR 1.181 as a petition to accord a 35 U.S.C. 371 date and request for corrected filing receipt. No petition fee is required.

BACKGROUND

On 11 May 2006, applicant filed international application PCT/US06/18335 which claimed priority of an earlier application filed 12 May 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 12 November 2007.

On 13 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment. 12 November 2007 being a holiday, the papers were considered timely filed.

On 13 May 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

On 14 October 2008, applicant responded with an executed declaration, a petition for a three-month extension of time and a payment of $525.00 for a three-month extension of time. (It is noted that at the time the small entity fee for a three-month extension of time was $555.00).

On 12 December 2008, applicant filed the petition considered herein.

On 23 January 2009, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) which listed the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 14 October 2008 and the date of completion of all 35 U.S.C. 371 requirements as 11 November 2008. In addition, the form indicated that the international application filing date as 05 November 2006 and the priority date for the application as 11 May 2006.

DISCUSSION

A review of applicant's present filing finds that payment of the full five-month extension of time fee within the five-month extendable period. As such, it is proper to grant applicant's petition at this time and the declaration filed 14 October 2008 is considered timely filed as of 12 December 2008. Regarding the payment of fees on 14 October 2008, it appears from a review of the fee record for the present case that the fees originally provided on 13 November 2007 were refunded to applicant on 27 November 2007. If applicant has no record of the returning of these fees totaling $3080.00 applicant should file a request for refund.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/903 mailed 23 January 2009 is hereby **VACATED**.

The application has an international filing date of 11 May 2006 under 35 U.S.C. 363 and will be given a date of **12 December 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402

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JUL 3 1 2009

OFFICE OF PETITIONS

In re Application of :
Igor Sheherbakov et al. :
Application No. 11/920,299 : DECISION ON PETITION
Filed: November 13, 2007 : TO WITHDRAW
Attorney Docket No. 2712.002US1 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 11, 2009.

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

A review of the file record indicates that the power of attorney to Schwegman, Lundberg & Woessner, P.A., has been revoked by the assignee of the patent application on January 12, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Georgiy Khayet
1611 Elwood Drive
Los Angeles, CA 95032

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OFFICE OF PETITIONS

Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402

In re Application of	:	
Igor Shcherbakov et al.	:	
Application No. 11/920,300	:	DECISION ON PETITION
Filed: November 13, 2007	:	TO WITHDRAW
Attorney Docket No. 1006.002US1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 11, 2009.

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

A review of the file record indicates that the power of attorney to Bradley W. Scheer and all attorneys/agents associated with customer number 21188 has been revoked by the assignee of the patent application on June 4, 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 Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Georgiy Khayet
1611 Elwood Drive
Los Angeles, CA 95032

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

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OFFICE OF PETITIONS

In re Application of	:	
Rudolf GLASSNER	:	
Application No. 11/920,316	:	DECISION ON PETITION
Filed: February 07, 2008	:	
Attorney Docket No. 7395-000098/US/NP	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 23, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 23, 2010. Accordingly, the date of abandonment of this application is May 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the 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 fees are accepted as having been unintentionally delayed.

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

This application is being referred to Publishing Division for processing into a patent.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

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In re Application of	:	
Matsuki Yamamoto, et al.	:	
Application No. 11/920,342	:	DECISION GRANTING PETITION
Filed: November 14, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 69697(302721)	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 29, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 7, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3735 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

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

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

In re Application of LEDERLE et al	:	
U.S. Application No.: 11/920,378	:	
PCT Application No.: PCT/EP2006/065062	:	
Int. Filing Date: 04 August 2006	:	
Priority Date Claimed: 02 September 2005	:	DECISION
Attorney Docket No.: 15407.0059USWO	:	
For: METHOD FOR OPERATING A TANK SYSTEM COMPRISING A TANK, AND TANK SYSTEM	:	

This is in response to applicant's petition under 37 CFR 1.182 filed 08 April 2009.

BACKGROUND

On 04 August 2006, applicant filed international application PCT/EP2006/065062, which claimed priority of an earlier Germany application filed 02 September 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 08 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 02 March 2008.

On 13 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 09 January 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 08 April 2009, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that the name of the third listed inventor has changed from "Silke Brosi" to "Silke Haag".

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. In the present case, the petition is accompanied by the requisite petition fee and a statement from the inventor setting forth both names and specifying the procedure whereby the change of name was effected.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 04 August 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 April 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

Mail Date: 04/20/2010

Applicant	: Eberhard Drechsler	: DECISION ON REQUEST FOR
Patent Number	: 7667352	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/920,392	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **149** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

27 APR 2009

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Medlen & Carroll
101 Howard Street, Suite 350
San Francisco CA 94105

In re Application of	:	
ELISSEN et al.	:	
Application No.: 11/920,409	:	DECISION
PCT No.: PCT/NL2006/050115	:	
Int. Filing Date: 15 May 2006	:	
Priority Date: 13 May 2005	:	
Attorney Docket No.: ARNOLDS-13583	:	
For: METHOD AND PLANT FOR THE	:	
TREATMENT OF AN AQUEOUS WASTE STREAM	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 10 March 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 15 May 2006, applicants filed international application PCT/NL2006/050115, which designated the United States and claimed a priority date of 13 May 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 12 April 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 November 2007.

On 13 November 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 16 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 10 March 2009, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time, a declaration of inventors, and a declaration of facts by Gerardus Verdijck.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been satisfied.

Item (2) has not been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." Here, it is not clear whether Bastain Buys was presented with a copy of the application papers. (Paragraph 3 of the declaration of Gerardus Verdijck states that he was presented with a copy of the declaration but is silent regarding the specification.) Regarding the refusal of Mr. Buys, MPEP § 409.03(d) states in part:

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

A refusal was made to Hellen Elissen, Bernard Temmink, and Wiilhelmus Rulkens but a statement of facts has not been presented by any of these persons.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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13 OCT 2009

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Medlen & Carroll
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San Francisco CA 94105

In re Application of	:	
ELISSEN et al.	:	
Application No.: 11/920,409	:	DECISION
PCT No.: PCT/NL2006/050115	:	
Int. Filing Date: 15 May 2006	:	
Priority Date: 13 May 2005	:	
Attorney Docket No.: ARNOLDS-13583	:	
For: METHOD AND PLANT FOR THE TREATMENT OF AN AQUEOUS WASTE STREAM	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 24 June 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 15 May 2006, applicants filed international application PCT/NL2006/050115, which designated the United States and claimed a priority date of 13 May 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 12 April 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 November 2007.

On 13 November 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 16 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 10 March 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time, a declaration of inventors, and a declaration of facts by Gerardus Verdijck.

On 27 April 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 24 June 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a second declaration of facts by Gerardus Verdijck, a copy of a letter dated 14 May 2009 from Mr. Verdijck to non-signing inventor Mr. Buys, a copy of a letter dated 02 June 2009 from Mr. Verdijck to non-signing inventor Mr. Buys, copies of two mailing labels, each dated 02 June 2009, a copy of what appears to be some sort of receipt for "Barcode: 3SRRRL9776734", and a copy of what appears to be some sort of receipt for "Barcode: 3SRRRL9776732".

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 27 April 2009, items (1), (3), and (4) have been satisfied.

Item (2) still has not been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). Here, it is not clear that the inventor was presented with the application papers because it is not clear that the correspondence sent to him was actually received by him. There appear to have been two mailings to Mr. Buys. The declaration of facts by Mr. Verdijck states that copies of "proof of each mailing" are attached. However, the proof of mailing appears to show only that the correspondence was mailed, not that it was received. (It cannot be said for certain what the receipts show since translations of the receipts have not been provided.)

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the**

proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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12 FEB 2010

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Medlen & Carroll
101 Howard Street, Suite 350
San Francisco CA 94105

In re Application of	:	
ELISSEN et al.	:	
Application No.: 11/920,409	:	DECISION
PCT No.: PCT/NL2006/050115	:	
Int. Filing Date: 15 May 2006	:	
Priority Date: 13 May 2005	:	
Attorney Docket No.: ARNOLDS-13583	:	
For: METHOD AND PLANT FOR THE TREATMENT OF AN AQUEOUS WASTE STREAM	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 10 November 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 15 May 2006, applicants filed international application PCT/NL2006/050115, which designated the United States and claimed a priority date of 13 May 2005. A copy of the international application was communicated from the International Bureau to the USPTO on 12 April 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 November 2007.

On 13 November 2007, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 16 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 10 March 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time, a declaration of inventors, and a declaration of facts by Gerardus Verdijck.

On 27 April 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 24 June 2009, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a second declaration of facts by Gerardus Verdijck, a copy of a letter dated 14 May 2009 from Mr. Verdijck to non-signing inventor Mr. Buys, a copy of a letter dated 02 June 2009 from Mr. Verdijck to non-signing inventor Mr. Buys, copies of two mailing labels, each dated 02 June 2009, a copy of what appears to be some sort of receipt for "Barcode: 3SRRRL9776734", and a copy of what appears to be some sort of receipt for "Barcode: 3SRRRL9776732".

On 13 October 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 10 November 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a copy of a signed mailing receipt and an English translation thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 27 April 2009, items (1), (3), and (4) have been satisfied.

Item (2) has now been satisfied as well. It has been established that non-signing inventor Mr. Buys was presented with a copy of the application papers and Mr. Buys' conduct constitutes a refusal to sign.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **10 March 2009**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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12 FEB 2010

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Dr. Bastain R. Buys
p/a The Biker's Oasis
Herenstraat 11c
6701 DG Wageningen
The Netherlands

In re Application of
ELISSEN et al.
Application No.: 11/920,409
PCT No.: PCT/NL2006/050115
Int. Filing Date: 15 May 2006
Priority Date: 13 May 2005
Attorney Docket No.: ARNOLDS-13583
For: METHOD AND PLANT FOR THE TREATMENT OF AN AQUEOUS WASTE STREAM

Dear Dr. Buys:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

/Daniel Stemmer/

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20 APR 2009

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W. Norman Roth
Law Offices of W. Norman Roth
523 West Sixth Street, Suite 707
Los Angeles, CA 90014

In re Application of	:	
KLINGLER, et al.	:	
U.S. Application No.: 11/920,447	:	
PCT No.: PCT/EP2006/004694	:	DECISION ON PETITION
Int. Filing Date: 17 May 2006	:	
Priority Date: 17 May 2005	:	UNDER 37 CFR 1.182
Attorney's Docket No.: M5414	:	
For: SEGMENT BRAKE	:	

This decision is in response to applicant's "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS" filed 20 February 2009 in the United States Patent and Trademark Office (USPTO). The response is being considered under 37 CFR 1.182 as to applicant's request to correct the error in the Transmittal Letter (Form PTO-1390) filed 15 November 2007. As authorized the $400.00 petition fee will be charged to deposit account number 18-2069.

BACKGROUND

On 17 May 2006, applicant filed international application PCT/EP2006/004694, which claimed priority of an earlier application filed 17 May 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 December 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 17 November 2007.

On 15 November 2007, applicant filed a transmittal letter for entering the U.S. national stage under 35 U.S.C. 371 accompanied by: payment of the U.S. Basic National Fee; an English translation of the International Application; an Application Data Sheet; a non-signed declaration and a preliminary amendment. The transmittal letter identified the international application number as PCT/US2006/004694.

On 08 January 2009, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors was required, as well as, payment of the $130.00 surcharge for providing an executed oath or declaration later than thirty months from the earliest claimed priority date. In addition, applicant was informed that there was an inconsistency between the international application number on the filed transmittal letter and the declaration. Applicant was afforded two months to file a proper response.

On 20 February 2009, applicant filed the present response including the petition under 37 CFR 1.182 discussed herein.

DISCUSSION

As detailed above, applicant's transmittal letter identified international application PCT/US2006/004694. However the submitted declaration and English translation listed international application PCT/EP2006/004694. Therefore, before the USPTO can consider the payment of the full, U.S. Basic National fee, a petition under 37 CFR 1.182 is required clarifying to which international application applicant is seeking entry into the United States.

The identifying information provided on the transmittal letter filed by applicant on 15 November 2007, i.e., the title, applicant-inventor information, priority date, and international filing date all correspond to that of PCT/EP2006/004694. In addition, this number appeared on the filed declaration and English translation. For these reasons, as well as the explanation provided in the present petition, it has been concluded that the national stage papers filed 15 November 2007 sufficiently identified international application PCT/EP2006/004694. Pursuant to petitioner's request, the national stage papers assigned U.S. application number 11/920,447 will be treated as a U.S. national stage submission for PCT/EP2006/004694.

CONCLUSION

For the reasons above, applicant's "Petition Under 37 CFR 1.182" is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of U.S. application number 11/920,447 as the U.S. national stage application of PCT/EP2006/004694; specifically, the preparation and mailing of a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating that the present application is the U.S. National stage entry for international application PCT/EP2006/004694 with a date of **20 February 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

Derek A. Putonen
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In re Application of
Leonid Shturman

Application No. 11920463

Filed: November 15,2007

Attorney Docket No. 1059.005

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 27-MAR-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.

2 1 MAR 2008

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MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Application of	:	
IDDAN et al.	:	
Application No.: 11/920,469	:	DECISION ON PETITION
PCT No.: PCT/IL2006/000569	:	
Int. Filing Date: 14 May 2006	:	UNDER
Priority Date: 17 May 2005	:	
Attorney Docket No.: 30008-563-NATL	:	37 CFR 1.497(d)
For: DISPOSABLE DISPENSER FOR PATIENT INFUSION	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 12 February 2008, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 14 May 2006, applicants filed international application PCT/IL2006/000569, which designated the United States and claimed a priority date of 17 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 23 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 November 2007 (17 November 2007 being a Sunday).

On 14 November 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 13 December 2007, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.497(d). The petition was accompanied by, a declaration of inventors, a statement from Avishai FRIEDMAN, a consent of assignee statement, and a statement under 37 CFR 3.73(b).

DISCUSSION

37 CFR 1.497(d), provides:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an

inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in Sec. 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and

(4) Any new oath or declaration required by paragraph (f) of this section.

Items (1)-(3) have been satisfied. Item (4) is not required.

The declaration of inventors filed 12 February 2008 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) for providing the oath or declaration later than thirty months from the priority date has been charged to Deposit Account 50-0311.

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Gavriel J. IDDAN, Avishai FRIEDMAN, and Ofer YODFAT as inventors.

/Daniel Stemmer/

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Naohide Fuwa	: DECISION ON REQUEST FOR
Patent Number	: 7668642	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/920,575	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **270** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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1 3 APR 2009

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WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, IL 60606

In re Application of :
SHELTON *et al* :
U.S. Application No.: 11/920,605 :
PCT No.: PCT/GB2006/002463 :
Int. Filing Date: 03 July 2006 : **DECISION**
Priority Date: 04 August 2005 :
Attorney Docket No.: 34466-US-PCT :
For: ADVANCED DIGITAL TV SYSTEM :

This decision is in response to applicants' "Petition Regarding Name Change of the Inventor" filed 22 January 2008 which is treated under 37 CFR 1.182.

BACKGROUND

On 22 January 2008, applicants filed the subject petition to change the name of an inventor. Applicants included an executed declaration with the petition recording the change of the inventor's name.

DISCUSSION

Applicants request to change the name of one of the inventors. Section 605.04(c) of the MPEP discusses this procedure and states, in part:

> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. . . .
>
> The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The fee for a petition under 37 CFR 1.182 has been paid. Applicants have supplied a statement signed by Anita Chandra stating that he has changed his name through a divorce from Anita Morris to Anita Chandra.

This is sufficient for a grantable petition.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of an inventor is **GRANTED**.

The declaration filed with the subject petition on 22 January 2008 is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

19 JUN 2009

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Maginot Moore & Beck
111 Monument Circle
Chase Tower Suite 3250
Indianapolis IN 46204-5109

In re Application of	:	
ROZUMEK, Michael, et al.	:	
Application No.: 11/920,640	:	
PCT No.: PCT/DE2006/000853	:	DECISION
Int. Filing Date: 18 May 2006	:	
Priority Date: 18 May 2005	:	
Attorney's Docket No.: 2064-0001	:	
For: SOFC STACK	:	

This decision is in response to applicants' submission of a declaration, filed in the United States Patent and Trademark Office on 06 April 2009.

BACKGROUND

On 03 February 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration, a translation, the surcharge for late filing of the search fee, examination fee or oath or declaration.

On 06 April 2009, applicants resubmitted the 4.17 declaration of the inventors and supplied a translation of the drawing with the foreign language text.

DISCUSSION

The 4.17 declaration was supplied during the international phase and complies with 37 CFR 1.497(a)-(b). The Notification of Missing Requirements indicating that an oath or declaration of the inventors was required was in error. The surcharge for late filing of the search fee, examination fee or oath or declaration is not required. To the extent that the Notification of Missing Requirements required an oath or declaration and the surcharge, it is **VACATED**.

The text "Figur" in the drawing was untranslated foreign text. A translated drawing was required and has now been furnished. The processing fee for late filing of the translation has been paid.

CONCLUSION

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

20 JAN 2010

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25944
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Alexandria, VA 22320-4850

In re Application of :
YAMAGUCHI *et al* :
U.S. Application No.: 11/920,685 :
PCT No.: PCT/JP2006/309733 :
Int. Filing Date: 16 May 2006 : **DECISION**
Priority Date: 18 May 2005 :
Attorney Docket No.: 134683 :
For: ENGINE START CONTROL DEVICE :
AND METHOD :

This decision is in response to the petition under 37 CFR 1.182 filed 05 November 2009.

BACKGROUND

On 19 November 2007, applicants filed papers to enter the national stage of an international application under 35 U.S.C. 371. The transmittal letter (Form PTO-1390) listed the PCT number as PCT/JP2006/030973. As such, the Office processed the application as the national stage of PCT/JP2006/030973.

On 29 October 2009, a communication was mailed requesting clarification on the PCT number.

On 05 November 2009, applicants filed a petition to change the underlying PCT application in the above-identified national stage application.

DISCUSSION

In the subject petition, applicants request to correct the PCT number in the above-captioned national stage application to PCT/JP2006/309733. The $400.00 petition fee has been paid.

Applicants claim that the PCT number listed on the transmittal letter was wrong "due to a typographical error." The correct PCT number is PCT/JP2006/309733.

A review of the above-captioned application file shows that applicants listed the PCT number as PCT/JP2006/30973 on the transmittal letter (Form PTO-1390) with the

initial filing on 19 November 2007. Nonetheless, the ADS and declaration filed 19 November 2007 identified the international application number as PCT/JP2006/309733. Moreover, WIPO records indicate that the international application number corresponding to the title, applicants and international filing date is PCT/JP2006/309733.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/JP2006/309733.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/JP2006/309733 claiming priority to Japanese patent application 2005-145088, filed 18 May 2005.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing.

James Thomson
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Office of PCT Legal Administration

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/920,719	05/23/2008	Surendrakumar Satyanarayan Pandey	134687	8721

7590 12/14/2009

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

EXAMINER	
ANDERSON, REBECCA L	

ART UNIT	PAPER NUMBER
1626	

NOTIFICATION DATE	DELIVERY MODE
12/14/2009	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Betty Powell

Patent Publication Branch
Office of Data Management

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0 8 APR 2009

PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN, VA 22102

In re Application of SOULA et al	:	
U.S. Application No.: 11/920,749	:	
PCT Application No.: PCT/IB2006/003656	:	
Int. Filing Date: 24 May 2006	:	COMMUNICATION
Priority Date Claimed: 24 May 2005	:	
Attorney Docket No.: 022290.0105PTUS	:	
For: NOVEL ACETYLSALICYLIC ACID FORMULATIONS	:	

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

On 20 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included a transmittal letter (Form PTO-1390) which referenced international application number "PCT/IB2006/003656" and identified the above-listed applicant, international filing date, priority date, and title of invention.

The above-listed applicant, international filing date, priority date, and title of invention are not consistent with the respective data associated with international application number PCT/IB2006/003656.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision, clarifying the above-noted discrepancy. A proper response would include, for example, a petition under 37 CFR 1.182 to correct the transmittal letter. Such a petition must be accompanied by the requisite $400.00 petition fee. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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24 APR 2009

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In re Application of SOULA et al	:	
U.S. Application No.: 11/920,749	:	
PCT Application No.: PCT/IB2006/003659	:	
Int. Filing Date: 24 May 2006	:	DECISION
Priority Date Claimed: 24 May 2005	:	
Attorney Docket No.: 022290.0105P2US	:	
For: NOVEL ACETYLSALICYLIC ACID FORMULATIONS	:	

This is in response to the petition under 37 CFR 1.182 filed 10 April 2009.

BACKGROUND

On 24 May 2006, applicant filed international application PCT/IB2006/003659, which claimed priority of earlier applications filed 24 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 05 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 24 November 2007.

On 20 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included a transmittal letter (Form PTO-1390) which referenced international application number "PCT/IB2006/003656".

On 08 April 2009, this Office mailed a communication which identified a discrepancy with respect to the international application number.

On 10 April 2009, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that applicant inadvertently placed the incorrect international application number on Form PTO-1390. A review of the papers filed on 20 November 2007

reveals that certain documents, e.g. the copy of the published international application, listed the correct international application number PCT/IB2006/003659. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing, including associating the present national stage application with international application number PCT/IB2006/003659.

Bryan Lin

Bryan Lin
PCT Legal Examiner
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11 SEP 2009

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In re Application of SOULA et al	:	
U.S. Application No.: 11/920,749	:	
PCT Application No.: PCT/IB2006/003659	:	
Int. Filing Date: 24 May 2006	:	DECISION
Priority Date Claimed: 24 May 2005	:	
Attorney Docket No.: 022290.0105P2US	:	
For: NOVEL ACETYLSALICYLIC ACID FORMULATIONS	:	

This is in response to the petition under 37 CFR 1.47(a) filed 20 March 2009.

BACKGROUND

On 24 May 2006, applicant filed international application PCT/IB2006/003659, which claimed priority of earlier applications filed 24 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 05 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 24 November 2007.

On 20 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included the requisite basic national fee.

On 22 October 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 20 March 2009, applicant filed the present petition under 37 CFR 1.47(a).

On 09 July 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Gerard Soula refuses to sign the application papers. Petitioner has adequately demonstrated that a bona fide attempt was made to present a copy of

the application papers to Dr. Soula for signature that that Dr. Soula received such papers (see Exhibit B). Furthermore, petitioner has sufficiently established that Dr. Soula refuses to sign. Specifically, Dr. Soula's failure to respond to the 07 December 2007 letter that was signed for by either him or his relative constitutes a constructive refusal to cooperate. Therefore, it can be concluded with reasonable certainty that Dr. Soula refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The Notification of Defective Response (Form PCT/DO/EO/916) was sent in error and is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 24 May 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 March 2009.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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UNITED STATES PATENT AND TRADEMARK OFFICE

11 SEP 2009

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Gerard Soula
33 rue Nungesser
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FRANCE

In re Application of SOULA et al
U.S. Application No.: 11/920,749
PCT Application No.: PCT/IB2006/003659
Int. Filing Date: 24 May 2006
Priority Date Claimed: 24 May 2005
For: NOVEL ACETYLSALICYLIC ACID FORMULATIONS

Dear Gerard Soula:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Bryan Lin

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Attorney Docket No.: 022290.0105P2US

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Mark P. Stone, Attorney at Law
50 Broadway
Hawthorne, NY 10532

Mail Date: 04/21/2010

Applicant	: Kurt Andersson	: DECISION ON REQUEST FOR
Patent Number	: 7581599	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/920,786	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **107** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

2 3 OCT 2009

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In re Application of SHELHAMER et al :
U.S. Application No.: 11/920,808 :
PCT Application No.: PCT/US2006/019578 :
Int. Filing Date: 19 May 2006 :
Priority Date Claimed: 19 May 2005 :
Attorney Docket No.: 65562(71699) : DECISION
For: WIRELESS SCLERAL SEARCH COIL :
INCLUDING SYSTEMS FOR MEASURING :
EYE MOVEMENT AND METHODS :
RELATED THERETO :

This is in response to applicant's correspondence filed 04 August 2009, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 19 May 2006, applicant filed international application PCT/US2006/019578, which claimed priority of an earlier United States application filed 19 May 2005. The thirty-month period for paying the basic national fee in the United States expired on 19 November 2007.

On 19 November 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 February 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 April 2009, applicant filed an executed declaration.

On 22 July 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to the surname of the second inventor.

On 04 August 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the surname of the second inventor is "Roberts", while the PCT Request (Form PCT/RO/101) lists the second inventor's surname as "Robert".

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The present petition states that the discrepancy regarding the second inventor's surname was the result of a typographical error. Applicant's explanation for the error is accepted and deemed a proper notification to the Office under MPEP 1893.01(e).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 19 May 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 April 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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22 FEB 2010

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In re Application of	:	
YAREMA, et al.	:	
Application No.: 11/920,909	:	
PCT No.: PCT/US2006/020389	:	DECISION ON PETITION
Int. Filing Date: 24 May 2006	:	
Priority Date: 24 May 2005	:	UNDER 37 CFR 1.497(d)
Attorney Docket No.: 65530 (71699)	:	
For: FATTY ACID CARBOHYDRATE HYBRID MOLECULES AS THERAPEUTIC AGENTS AND METHODS THEREOF	:	

This decision is in response to applicant's "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" filed 03 June 2009 in the United States Patent and Trademark Office (USPTO). The response is being treated as a petition under 37 CFR 1.497(d) to add Udayanath Aich as an inventor in the application. As authorized payment of the $130.00 petition fee will be charged to deposit account 04-1105.

BACKGROUND

On 24 May 2006, applicant filed international application PCT/US2006/020389, which claimed a priority date of 24 May 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 24 November 2007.

On 20 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee; an English translation of the international application; an Application Data Sheet; a preliminary amendment and an Information Disclosure Statement.

On 03 November 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 15 January 2009, applicant responded with an executed declaration.

On 11 February 2009, applicant was mailed a "Notification of Defective Response"

(Form PCT/DO/EO/916) indicating that the filed declaration did not comply with 37 CFR 1.497(a)-(b) as it listed and had been signed by an individual (Udayanath Aich) who did not appear on the published international application. Applicant was afforded one month from the mail date of the notice to respond.

On 03 June 2009, applicant filed the present petition to add Udayanath Aich as an inventor to the present application accompanied by a petition for a five-month extension of time.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant satisfied all four items listed above and it is proper to grant applicant's request at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 24 May 2006 and will be given a date of **15 January 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

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14 JUL 2009

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
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In re Application of	:	
CAO, Huiyu et al.	:	
Application No.: 11/920,910	:	
PCT No.: PCT/US2006/019965	:	
Int. Filing Date: 23 May 2006	:	DECISION
Priority Date: 23 May 2005	:	
Attorney Docket No.: 26141-508N01US	:	
For: INHIBITORS OF PGHS-2TRANSACTIVATOR ACTIVITY	:	

This decision is in response to applicants' response to the Notification of Defective Response, filed with the United States Patent and Trademark Office on 07 May 2009.

The declaration submitted by applicants on 07 May 2009 and the declaration submitted on 06 March 2009, taken together, satisfy the requirements of 37 CFR 1.497(a)-(b).

This application is being returned to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

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16 JUL 2009

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In re Application of VALADE et al.	
Application No.: 11/920,943	
PCT No.: PCT/US06/19860	: DECISION ON
Int. Filing: 22 May 2006	
Priority Date: 23 May 2005	: PETITION
Attorney Docket No.: F-TP-00032-6	
For: SECURITY DEVICE HAVING A HOOKING ELEMENT	:UNDER 37 CFR 1.47(a)

This is a decision on applicant's Petition Under 37 CFR 1.47(a) and 35 U.S.C. 116 filed in the United States Patent and Trademark Office on 12 May 2009. Applicant's request for a two month extension of time is granted.

BACKGROUND

On 12 January 2009, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 12 May 2009, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor, Pedro Lopez alleging that Mr. Lopez refuses to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant has satisfied Item (1) with the requisite petition fee and Item (3) with the last known address of inventor Lopez.

With respect to Item (2), Petitioner states that a copy of the subject application and declaration were mailed to the nonsigning inventor on 30 January 2009. A copy of the correspondence was attached to the first hand statement of facts provided by patent agent Leah Saar.

The correspondence and statement by Ms. Saar shows that a complete copy of the subject application (specification, claims and drawings) was forwarded to the nonsigning inventor. Ms. Saar also claims that she has not received a response from Mr. Lopez to her request. This conduct is sufficient to show a refusal to cooperate pursuant to section 409.03(d) of the MPEP and meets Item (2).

With regard to Item (4) above, the 37 CFR 1.47(a) applicant submitted a declaration signed by one of the two co-inventors on behalf of himself and the nonsigning joint inventor. The declaration, submitted on 12 May 2009, is executed by the joint inventor, provides the residence, address and citizenship of the inventors and meets the requirements of 37 CFR 1.497(a) and (b).

Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

For the above reasons, the petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 12 May 2009. The application has an international filing date of 22 May 2006 under 35 U.S.C. 363, and a date of 12 May 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

Cynthia M. Kratz
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Office of PCT Legal Administration
Telephone: (571) 272-3286

15 JUL 2009

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PEDRO LOPEZ
4007 N. CYPRESS DRIVE, APT 204
POMPANO BEACH, FL 33069

In re Application of VALADE et al.
Application No.: 11/920,943
PCT No.: PCT/US06/19860
Int. Filing: 22 May 2006
Priority Date: 23 May 2005
Attorney Docket No.: F-TP-00032-6
For: SECURITY DEVICE HAVING A HOOKING ELEMENT

Dear Mr. Lopez:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

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

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In re Application of	:	
ENACHE et al.	:	
U.S. Application No. 11/920,965 (11/988,783)	:	
PCT No.: PCT/RO06/00010	:	
Int. Filing Date: 19 May 2006	:	DECISION
Priority Date: 26 May 2005	:	
Attorney Docket No.: 4172-001US(PCT)	:	
For: PROCESS AND INSTALLATION FOR INCREASING THE BURNING ENERGY PRODUCED BY A NATURAL FUEL GAS	:	

The above-identified application is before the Office of PCT Legal Administration for consideration of matters under 35 U.S.C. 371.

BACKGROUND

On 19 May 2006, applicant filed international application No. PCT/RO06/00010, which claimed a priority date of 26 May 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 November 2007.

On 23 November 2007, applicant filed, through the law firm of G. Ronald Bell & Associates, a transmittal letter for entry into the national stage in the United States (Form PTO-1390). The transmittal referenced attorney docket number 4172-001US(PCT) was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). The submission, identifying International Application No. PCT/RO06/00010, was assigned U.S. application number 11/920,965. Applicant also filed an executed declaration.

On the same day, through the same law firm, applicant filed a second transmittal letter for entry into the national stage in the United States bearing the same attorney docket number and referencing the same international application PCT/RO06/00010. These papers were assigned U.S. application number 11/988,783.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage have been submitted for international application number PCT/RO06/00010 (United States application numbers 11/920,965 and 11/988,783). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The documents filed by above-named counsel and assigned application number 11/920,965 were the first of the two filings to be processed by the USPTO, with such U.S. application file being associated with the international application in the USPTO's PALM system. Accordingly, U.S. application number 11/920,965 is the application file that will continue to be processed as the national stage of PCT/RO06/00010. The second set of national stage materials filed on 23 November 2007 and originally assigned U.S. application number 11/988,783 will be placed in the present application file, and U.S. application number 11/988,783 will be discontinued.

Applicants should use application number **11/920,965** in all future communications with the United States Patent and Trademark Office (USPTO).

Application number 11/988,783 will be discontinued.

CONCLUSION

U.S. application number 11/920,965 is the national stage of PCT/RO06/00010.

Application number 11/988,783 will be discontinued. These papers will be moved to application **11/920,965**.

Cynthia M. Kratz
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OFFICE OF PETITIONS

In re Application of	:	
Ramalho Ribeiro Dos Santos et al.	:	DECISION ON PETITION
Application No. 11/920,988	:	TO WITHDRAW
Filed: August 10, 2009	:	FROM RECORD
Attorney Docket No. 2005P00108(NSN-not_xsfr)	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 31, 2010.

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

A review of the file record indicates that on June 1, 2010 the power of attorney to Dickinson Wright, PLLC was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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06 DEC 2007

KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of MOUSTAFA et al.
Application No.: 11/920,993
PCT No.: PCT/EP06/01494
Int. Filing: 20 February 2006
Priority Date: 08 April 2005
Attorney Docket No.: 180577-00770
For: A PROCESS FOR THE PREPARATION OF LINEAR ∝-OLEFIN OLIGOMERS

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 21 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $310 has now been provided. The required petition fee of $1540 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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Facsimile: (571) 273-0459

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05 DEC 2007

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

In re Application of STUMPEL
Application No.: 11/921,053
PCT No.: PCT/AT06/00209
Int. Filing: 23May 2006
Priority Date: 23 May 2005
Attorney Docket No.: STUMPFL -1-PCT
For: CONNECTING DEVICE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 26 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $310 has now been provided. The required petition fee of $1540 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and an English translation of the international application along with the processing fee for filing the English translation and the surcharge for filing the oath or declaration, after the thirty month period, are required.

Cynthia M. Kratz
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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/921,141	11/27/2007	Markus Kattannek	3581.13US01	3347

7590 01/13/2009

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

EXAMINER	
ART UNIT	PAPER NUMBER
1794	
MAIL DATE	DELIVERY MODE
01/13/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

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13 DEC 2007

74550
NOVARTIS CONSUMER HEALTH, INC.
200 Kimball Drive
Parsippany, NJ 07054-0622

In re Application of:
JEANNIN, Lionel *et al*
U.S. Application No.: 11/921,145
PCT No.: PCT/EP2006/004431
Int. Filing Date: 11 May 2006
Priority Date: 13 May 2005
Attorney Docket No.: 34262/USN
For: PACKAGE FOR GOODS

DECISION

This decision is in response to applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 26 November 2007 which is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. All requirements of 37 CFR 1.137(b) are satisfied.

Applicants submitted a declaration in compliance with 37 CFR 1.497(a) and (b). The $130.00 surcharge fee has been paid.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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24 NOV 2009

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of: SAITO, Kenji, et al.
U.S. Application No.: 11/921,154
PCT No.: PCT/JP2006/310662
International Filing Date: 29 May 2006
Priority Date: 30 May 2005
Atty Docket No.: 2007_2012A
For: COPPER NIOBIUM COMPOSITE PIPING MATERIAL ... CAVITY PRODUCED FROM THE COMPOSITE PIPING MATERIALS

DECISION

This decision is issued in response to the "Reply To Notification Of Missing Requirements Under 35 USC 371" filed 31 July 2009, treated herein as a request to confirm the submission of a declaration satisfying 37 CFR 1.497(a) during the international phase. No petition fee is required.

BACKGROUND

On 19 May 2006, applicants filed international application PCT/JP2006/310662. The application claimed a priority date of 30 May 2005, and it designated the United States. The Request (Form PCT/RO/101) filed with the original international application included an executed declaration of the inventors pursuant to PCT Rule 4.17(iv).

On 07 December 2006, the International Bureau (IB) communicated a copy of the international application to the Untied States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months after the priority date, i.e. 30 November 2007.

On 28 November 2007, applicants filed the present national stage application accompanied by, among other materials, payment of the basic national fee, an unsigned declaration, and an English translation of the international application.

On 26 February 2008, applicants submitted a copy of the executed declaration filed during the international phase pursuant to PCT Rule 4.17(iv), accompanied by payment of the $130 surcharge for submitting the declaration alter than thirty months after the priority date.

On 02 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) stating that an oath or

declaration in compliance with 37 CFR 1.497 was required. The Notification indicated that the declaration filed 28 November 2007 was unacceptable because it was not properly executed.

On 31 July 2009, applicants filed the "Reply To Notification Of Missing Requirements Under 35 USC 371" considered herein.

DISCUSSION

As noted by applicants in the present submission, 37 CFR 1.497(a) states that applicants who have filed an acceptable declaration during the international phase pursuant to PCT Rule 4.17(iv) are not required to file an additional declaration upon entry into the U.S. national stage.

A review of the application file confirms that the Request (Form PCT/RO/101) filed with the original international application included an executed declaration of the inventors pursuant to PCT Rule 4.17(iv). Accordingly, an additional declaration is not required under 37 CFR 1.497. The Notification of Missing Requirements mailed 02 June 2009, based as it was on applicants' purported failure to file an acceptable executed declaration in compliance with 37 CFR 1.497(a), is appropriately vacated.

It is noted that, because the declaration requirement was satisfied during the international phase, applicants' payment of the $130 surcharge for late submission of the declaration was unnecessary. The surcharge payment will therefore be refunded to Deposit Account 23-0975.

CONCLUSION

Applicant's request to confirm the submission of a declaration satisfying 37 CFR 1.497(a) during the international phase is **GRANTED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 02 June 2009 is hereby vacated.

Deposit Account No. 23-0975 will be credited with a refund of the $130 surcharge for submitting the oath or declaration alter than thirty months after the priority date.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 28 November 2008.

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17 DEC 2007

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Richard H. Tushin
1300 I street, N.W., Third Floor West
Washington, DC 20005-3353

In re Application of	:	DECISION ON
Curt FALK	:	
Application No.: 11/921,171	:	
PCT No.: PCT/SE2006/000066	:	
Int. Filing Date: 17 January 2006	:	PETITION UNDER
Priority Date: 17 January 2005	:	
Attorney's Docket No.: 66352-055-7	:	
For: ARRANGEMENT OF COUPLING	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION UNDER 37 C.F.R. 1.137(b)," filed on 28 November 2007.

BACKGROUND

On 17 January 2006, this international application was filed, claiming an earliest priority date of 17 January 2005.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 17 July 2007. This international application became abandoned with respect to the United States at midnight on 17 July 2007 for failure to pay the required basic national fee.

On 28 November 2006, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

On 05 December 2007, applicant submitted an executed Declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **05 December 2007.**

Rafael Bacares
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21 SEP 2009

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of GALANTE et al.	:
Application No.: 11/921,173	:
PCT No.: PCT/EP05/05835	: DECISION ON
Int. Filing: 31 May 2005	:
Priority Date: None	: PETITION
Attorney Docket No.: 09952.0160	:
For: METHOD FOR AUTO-CONFIGURATION OF A NETWORK TERMINAL ADDRESS	:UNDER 37 CFR 1.47(a) :

This is a decision on applicant's Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office on 08 June 2009. Applicant's request for a three month extension of time is granted.

BACKGROUND

On 28 November 2007, applicant filed a request to enter U.S. national stage prior to the expiration of the thirty month period. On 12 January 2009, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 08 June 2009, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor, Luca Dell'uomo alleging that Mr. Dell'uomo refuses to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant has satisfied Item (1) with the requisite petition fee and Item (3) with the last known address of inventor Dell'uomo.

With respect to Item (2), Petitioner provides the first hand statement of Francesco Battipede, Industrial Property Department of Telecom Italia S.p.A.. Mr. Battipede states that on 22 November 2007, he contacted Mr. Dell'uomo via telephone as a followup to a 12 November 2007 Telecom email to Dell'uomo requesting his signature on the application papers. Mr. Battipede indicates that he asked Mr. Dell'uomo to sign the Declaration and Power of Attorney

and Assignment for the above referenced application. Mr. Battipede confirmed that Mr. Dell'uomo would not sign the documents due to alleged unfair treatment upon leaving Telecom. Mr. Battipede memorialized his conversation in a followup letter to Mr. Dell'uomo dated 12 December 2007. A copy of the emails and letters sent to Mr. Dell'uomo accompanied Mr. Battipede's statement. This conduct is sufficient to show a refusal to cooperate pursuant to section 409.03(d) of the MPEP and meets Item (2).

With regard to Item (4) above, the 37 CFR 1.47(a) applicant submitted a declaration signed by two of the three co-inventors on behalf of themselves and the nonsigning joint inventor. The declaration, submitted on 08 June 2009, is executed by the joint inventors, provides the residence, address and citizenship of the inventors and meets the requirements of 37 CFR 1.497(a) and (b).

Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

For the above reasons, the petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 08 June 2009. The application has an international filing date of 31 May 2005 under 35 U.S.C. 363, and a date of 08 June 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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21 SEP 2009

LUCA DELL'UOMO
VIA VALDIERI, 20
10148 TORINO (TURIN) ITALY

In re Application of GALANTE et al. :
Application No.: 11/921,173 :
PCT No.: PCT/EP05/05835 :
Int. Filing: 31 May 2005 :
Priority Date: None :
Attorney Docket No.: 09952.0160 :
For: METHOD FOR AUTO-CONFIGURATION :
OF A NETWORK TERMINAL ADDRESS :

Dear Mr. Dell'uomo:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

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

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10 DEC 2007

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Reed Smith LLP
3110 Fairview Park Drive, Suite 1400
Falls Church Va 22042

In re Application of	:	
CHEN	:	
Application No.: 11/921,177	:	
PCT No.: PCT/CN06/01023	:	DECISION ON PETITION
Int. Filing Date: 18 May 2006	:	
Priority Date: 25 May 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: IPTE/0070	:	
For: LIGHT-EMITTING DIODE CLUSTER LAMP	:	

The petition to revive under 37 CFR 1.137(b) filed 28 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided a payment of the full U.S. Basic National fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 18 May 2006 under 35 U.S.C. 363 and will be given a date of **28 November 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision. As authorized, the $65.00 surcharge for providing an executed oath or declaration later than thirty months from the priority date will be deducted from deposit account number 08-1480.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

0 4 FEB 2008

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Joel S Carter
Patent Department
Deere & Company
One John Deere place
Moline IL 61265

In re Application of	
TARASINSKI, Nicolai et al.	
Application No.: 11/921,190	DECISION
PCT No.: PCT/EP2006/061590	
Int. Filing Date: 13 April 2006	ON PETITION UNDER
Priority Date: 16 April 2005	
Docket No.: 09211-W-US	37 CFR 1.137(b)
For: THREE-POINT IMPLEMENT MOUNTING FOR AN AGRICULTURAL OR INDUSTRIAL UTILITY VEHICLE	

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 28 November 2007 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee has been submitted. The petition fee will be charged to deposit account no. 04-0525 as authorized. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late submission of the English translation of the international application will be charged to deposit account no. 04-0525, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE

18 MAR 2008

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Allan Chan & Associates
225 Broadway Suite 700
New York NY 10007

In re Application of :
CHENG, et al. :
Application No.: 11/921,281 : DECISION ON PETITION
PCT No.: PCT/CN06/0106 :
Int. Filing Date: 22 May 2006 : UNDER 37 CFR 1.10(e)
Priority Date: 30 May 2005 :
Atty. Docket No.: None :
For: AN URBAN AND RURAL INTEGRATED :
CONDUIT SYSTEM FOR SEWAGE :
DISCHARGING AND RECLAIMING :

This is a decision on applicant's correspondence filed 16 March 2008 in the United States Patent and Trademark Office (USPTO). The petition is being treated as a petition under 37 CFR 1.10(e) to reconstruct lost papers filed using Express Mail from the United States Postal Service. No petition fee is required.

BACKGROUND

On 22 May 2006, applicant filed international application PCT/CN06/0106, which claimed priority of an earlier application filed 30 May 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 December 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 November 2007.

On 29 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by payment of the U.S. basic national fee; an executed declaration of the inventors and an English translation of the international application.

On 16 March 2008, applicant filed the present petition under 37 CFR 1.10(e).

DISCUSSION

A review of USPTO records finds applicant's original 29 November 2007 filing contained therein. The papers have been assigned U.S. serial number 11/921,281. As such, it is not necessary to consider the petition under 37 CFR 1.10(e) to accept the copies presently filed as having been filed on 29 November 2007.

CONCLUSION

Applicant's petition under 37 CFR 1.10(e) is **DISMISSED as moot**.

This application is being forwarded to the U.S. National stage processing division for continued processing and if appropriate, the preparation and mailing of a "Notification of Acceptance" (Form PCT/DO/EO/903).

Derek A. Putonen
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06 MAY 2010

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Allan Chan and Associates
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New York, NY 10007

In re Application of :
HUIYUAN *et al* :
Application No.: 11/921,281 : DECISION
For: AN URBAN AND RURAL :
INTEGRATED CONDUIT :
SYSTEM FOR SEWAGE... :

This application is before the Office of PCT Legal Administration for consideration of matters related to 35 U.S.C. 371.

BACKGROUND

On 29 November 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia,: the Basic National Fee and a declaration of the inventors.

On 29 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903).

DISCUSSION

A review of the originally filed application papers reveals that the Transmittal Letter identifies the international application PCT/CN2006/00106 as the application to which the present national stage filing is directed.

However, a review of the originally filed application papers also reveals that the declaration of the inventors identifies the international application to which the present national stage filing is directed as PCT/CN2006/001062.

Given the conflicting indications on the originally filed papers, it is unclear to which international application the present national stage application is directed.

In response to this Notification, applicants are required to submit, a petition under 37 CFR 1.182. The petition must include a statement clearly identifying the international application to which the present application relates, and the requisite petition fee of $400.

CONCLUSION

For the reasons above, the NOTICE OF ACCEPTANCE mailed 29 August 2008, is hereby **VACATED**.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision, and must include a petition under 37 CFR 1.182 as discussed above.

Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web 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.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

20 DEC 2007

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00293
Ralph A. Dowell
DOWELL & DOWELL, P.C.
2111 Eisenhower Ave.
Suite 406
Alexandria, VA 22314

In re Application of:
HATTON *et al*
U.S. Application No.: 11/921,325
PCT No.: PCT/CA2005/001438
Int. Filing Date: 22 September 2005
Priority Date: 22 September 2004
Attorney Docket No.: 16184NP
For: METHOD OF TRANSFORMATION OF BRIDGING ORGANIC . . .

DECISION

This decision is in response to the petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 30 November 2007 which is hereby **GRANTED** as follows:

The basic national fee, search fee, examination fee and petition fee for a small entity have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Thus, all requirements of 37 CFR 1.137(b) are satisfied.

The declaration filed 30 November 2007 with the national stage papers is defective because it is only a composite declaration. As submitted, the declaration consists of five pages, *i.e.*, one first page, one second page, and three third pages listing three of the four named inventors. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. By providing only a partial declaration, it is not clear what inventive entity was listed on the declaration signed by each co-inventor.

This application is being forwarded to the Office of Patent Application Processing for further processing including the mailing of a Form PCT/DO/EO/905 requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $65.00 surcharge fee.

James Thomson
Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302

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11 APR 2008

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of	:	DECISION ON
LUNDBERG et al.	:	
Serial No.: 11/921,373	:	
PCT No.: PCT/SE06/50146	:	PETITION UNDER
Int. Filing Date: 22 May 2006	:	
Priority Date: 03 June 2005	:	
Attorney's Docket No.: SUNDS 3.3-156	:	37 CFR 1.10(c)
For: ARRANGEMENT FOR THE TREATMENT OF CELLULOSE PULP IN A WASHING APPARATUS....	:	

This decision is in response to applicant's "PETITION TO ACCORD CORRESPONDENCE FILING DATE SHOWN ON EXPRESS MAIL "DATE-IN" (37 CFR 1.10(c))", filed 14 January 2008, to accord a filing date of 29 November 2007 to the above-identified application papers. No petition fee is required.

BACKGROUND

On 29 November 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee. These papers were accorded a filing date of 30 November 2007.

On 14 January 2008, applicant filed a petition under 37 CFR 1.10(c) requesting a corrected filing date, which included a copy of the Customer Receipt of the "Express Mail" mailing label #EV980040235US.

DISCUSSION

A review of the application file reveals that Applicant filed a transmittal letter for entry into the national stage. A review of the USPTO finance records for this application indicates that the

basic national fee was paid.

Applicant requests that the national stage papers be accorded a filing date of 29 November 2006. A review of the Express Mail label #EV980040235US reveals that it was addressed to the "Mail Stop PCT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450". The Customer Copy of the Express Mail label bears a USPS barrel stamp of "NOV 29 2007" and a "Date-In" of 29 November 2007.

This is sufficient evidence to establish with reasonable certainty that the national stage papers were deposited with the United States Postal Service as an "Express Mail" Mailing on 29 November 2007. Specifically, the Express Mail label #EV980040235US is the same number that appears on the Transmittal Letter. The indication of the "Express Mail" label number appearing on the Transmittal Letter ties the "Express Mail" label and the Transmittal Letter together such that it is clear that the national stage papers were deposited on 29 November 2007.

CONCLUSION

Applicant's petition requesting that the national stage papers be accorded a receipt date of 29 November 2007 is **GRANTED**.

The application is being returned to the DO/EO/US for further processing in accordance with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **29 November 2007.**

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

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8 JUN 2009

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of:
FREUDENBERG, Thomas, et al.
U.S. Application No.: 11/921,374
PCT No.: PCT/DE2006/000941
International Filing Date: 31 May 2006
Priority Date: 31 May 2005
Atty Dkt No.: 4385-074361
For: METHOD AND APPARATUS FOR VISUAL CHARACTERIZATION OF TISSUE

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Petition To Correct Inventorship In A Nonprovisional Application under 37 CFR 1.497(d)" filed 09 October 2008. Deposit Account No. 23-0650 will be charged the required $130 processing fee.

BACKGROUND

On 31 May 2006, applicants filed international application PCT/DE2006/000941. The application claimed a priority date of 31 May 2005, and it designated the United States. On 07 December 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 November 2007. The published international application identified two applicant/inventors for the U.S.: Thomas FREUDENBERG and Karl-Heinz SCHONBORN.

On 29 November 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an application data sheet (ADS).

On 09 October 2008, applicants filed additional materials in the present application, including an English translation of the international application, payment of the processing fee and surcharge required for filing the English translation and the oath or declaration later than thirty months after the priority date, a declaration executed by the two inventors of record as well as a third inventor, Carsten Michael PHILIPP, and the "Petition To Correct Inventorship In A Nonprovisional Application under 37 CFR 1.497(d)" considered herein. The petition seeks to add Carsten Michael PHILIPP as an additional inventor of record herein and thereby permit acceptance of the declaration filed on 09 October 2008.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, the declaration filed by applicants on 09 October 2008 names an inventive entity different than that set forth in the international application. Specifically, Carsten Michael PHILIPP has been added as an additional inventor. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statement of non-deceptive intent from the person to be added as an inventor, as well as the authorization to charge counsel's Deposit Account for the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted the consent of the assignee W.O.M. World of Medicine, AG, to the requested change in inventorship, and such consent has been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) is **GRANTED**. The inventorship of record herein is corrected to include added inventor Carsten Michael PHILIPP. Based on the correction of inventorship, the declaration filed on 09 October 2008 is acceptable in compliance with 37 CFR 1.497(a) and (b).

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 09 October 2008.

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06 FEB 2008

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HANCOCK HUGHEY LLP
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SISTERS, OR 97759

In re Application of JOHNSTON	:	
U.S. Application No.: 11/921,378	:	
PCT Application No.: PCT/US2004/013393	:	DECISION
Int. Filing Date: 29 April 2004	:	
Priority Date Claimed: 29 April 2003	:	
Attorney Docket No.: 1123-001/ddh	:	
For: PORTABLE HOSE HOLDER	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a)" filed 30 November 2007.

BACKGROUND

On 29 April 2004, applicant filed international application PCT/US2004/013393, which claimed priority of an earlier United States application filed 29 April 2003. The thirty-month period for paying the basic national fee in the United States expired on 29 October 2005.

International application number PCT/US2004/013393 became abandoned as to the United States for failure to timely pay the requisite basic national fee.

On 30 November 2007, applicant filed the present petition under 37 CFR 1.137(a).

DISCUSSION

Under 37 CFR 1.137(a), a petition requesting that an application be revived on the grounds of unavoidable abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(l), (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1) above, applicant has provided the required reply.

With regard to item (2) above, applicant has provided the required petition fee.

With regard to item (3) above, applicant has failed to make an adequate showing that abandonment of the present application was unavoidable. The petition states that the delay was the result of inaction by applicant's attorney. However, the Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Hutson v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed Cir. 1992); see also Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987). Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133 or 37 CFR 1.137(a). Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891). Therefore, any delay which was the result of inaction or negligence by applicant's attorney in the present case, Glenn Brown, does not constitute unavoidable delay.

With regard to item (4) above, because the application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(a) is DISMISSED without prejudice.[1]

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

[1] Petitioner is advised that the dismissal or denial of a petition under 37 CFR 1.137(a) does not preclude an applicant from obtaining relief pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. In such an instance, a petition under 37 CFR 1.137(b) may be filed accompanied by the fee set forth in 37 CFR 1.17(m) 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.

15 FEB 2008

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In re Application of JOHNSTON	:	
U.S. Application No.: 11/921,378	:	
PCT Application No.: PCT/US2004/013393	:	DECISION
Int. Filing Date: 29 April 2004	:	
Priority Date Claimed: 29 April 2003	:	
Attorney Docket No.: 1123-001/ddh	:	
For: PORTABLE HOSE HOLDER	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 12 February 2008.

BACKGROUND

On 29 April 2004, applicant filed international application PCT/US2004/013393, which claimed priority of an earlier United States application filed 29 April 2003. The thirty-month period for paying the basic national fee in the United States expired on 29 October 2005.

International application number PCT/US2004/013393 became abandoned as to the United States for failure to timely pay the requisite basic national fee.

On 30 November 2007, applicant filed a petition under 37 CFR 1.137(a).

On 06 February 2008, this Office mailed a decision dismissing the 30 November 2007 petition.

On 12 February 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

Applicant is advised that 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.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 29 April 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 30 November 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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17 JAN 2008

Kagan Binder, PLLC
Suite 200, Maple Island Building
221 Main Street North
Stillwater, MN 55082

In re Application of
MENG et al.
Application No.: 11/921,382
PCT No.: PCT/US06/18493
Int. Filing Date: 10 May 2006
Priority Date: 20 May 2005
Attorney Docket No.: CAR0085US
For: PROCESS FOR PRODUCING PHOSPHATES

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 30 November 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

22 JAN 2008

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Martin P. Hoffman
Hoffman, Wasson & Gitler, P.C.
2161 S. Clark St.- Suite 522
Arlington VA 22202

In re Application of	:	DECISION ON
Yossi GROSS	:	
Application No.: 11/921,401	:	
PCT No.: PCT/IL2005/000177	:	
Int. Filing Date: 10 February 2005	:	PETITION UNDER
Priority Date: 10 February 2004	:	
Attorney's Docket No.: A-10705	:	
For: ENTRACARDIAC BLOOD FLOW	:	
AMPLIFICATION DEVICE	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 30 November 2007.

BACKGROUND

On 10 February 2005, this international application was filed, claiming an earliest priority date of 10 February 2004.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 10 August 2006. This international application became abandoned with respect to the United States at midnight on 10 August 2006 for failure to pay the required basic national fee.

On 30 November 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, the petition fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). Mr. Gross has stated he intended to file a US patent application and thought one was already being pursued so the delay to file the national stage was unintentional as stated in his delcarationl. In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. **The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is 30 November 2007.**

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ROBERT G. LEV
4766 MICHIGAN BLVD.
YOUNGSTOWN OH 44505

COPY MAILED

MAR 03 2008

In re Application of :
Edward Tweg :
Application No. 11/921,412 : DECISION ON PETITION
Filed: November 30, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 0276-010 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 30, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes 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 3724 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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09 OCT 2009

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

In re Application of	:	
SHIMOJO	:	
Application No.: 11/921,447	:	DECISION ON PETITION
PCT No.: PCT/JP2006/310872	:	
Int. Filing Date: 31 May 2006	:	UNDER 37 CFR 1.181
Priority Date: 03 June 2005	:	
Attorney Docket No.: 134829	:	
For: OCULAR LENS	:	

This decision is in response to applicant's correspondence filed 26 May 2009 in the United States Patent and Trademark Office (USPTO). The request is being treated pursuant to 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 31 May 2006, applicant filed international application PCT/JP2006/310872 which claimed priority to an earlier application filed 03 June 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 December 2006. The deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 03 December 2007.

On 03 December 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an assignment document for recording; an executed combined declaration and power of attorney; a preliminary amendment and an Application Data Sheet.

On 12 May 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file a proper response.

On 26 May 2009, applicant filed the present petition arguing that an executed declaration of the inventor had been supplied with the originally filed papers of 03 December 2007.

On 01 September 2009, applicant was mailed a "NOTICE OF ACCEPTANCE" (Form PCT/DO/EO/903) indicating a date of 26 May 2009 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

DISCUSSION

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. (See MPEP 503). An examination of the petition finds that applicant has provided a copy of the date-stamped postcard receipt, as well as, a complete copy of the prior filing and a statement that the copy currently provided is a copy of the papers filed on 03 December 2007. The postcard identifies the application by title, applicant and attorney docket number. Among the items listed on the receipt is: "DEC/POA" The receipt is stamped "OIPE IAP58 PATENT & TRADEMARK OFFICE DEC 03 2007." The postcard has not been annotated in any way to indicate that any of the listed items were not received. Thus, it is clear that applicant filed an executed declaration on03 December 2007. It is therefore proper to grant applicant's petition to assign a 35 U.S.C. 371 date of 03 December 2007 to the present application.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/903 mailed 01 September 2009 is hereby **VACATED**.

The application has an international filing date of 31 May 2006 under 35 U.S.C. 363 and will be given a date of **03 December 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a filing receipt indicating the correct 371 date as detailed above.

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14 DEC 2007

Young & Thompson
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In re Application of	:	
AYLMORE	:	
Application No.: 11/921,467	:	
PCT No.: PCT/GB06/01541	:	DECISION ON PETITION
Int. Filing Date: 26 April 2006	:	
Priority Date: 26 April 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 3003-1196	:	
For: ARTICLES INCORPORATING ELECTRONIC SIGNALLING DEVICES	:	

The petition to revive under 37 CFR 1.137(b) filed 03 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. It is noted that according to USPTO records a credit card form did not accompany the petition. While the national stage fees were charged to a credit card, the petition fee of $770.00 will be charged to deposit account number 25-0120 as authorized.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventor is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

11 DEC 2009

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

In re Application of NAVARINI et al :
U.S. Application No.: 11/921,468 :
PCT Application No.: PCT/EP2006/062742 :
Int. Filing Date: 30 May 2006 : DECISION
Priority Date Claimed: 03 June 2005 :
Attorney Docket No.: ARC-4462-57 (ARC-4017-93) :
For: METHODS AND APPARATUSES FOR :
OBTAINING INFUSIONS :

This is in response to applicant's petition under 37 CFR 1.181 and request for refund under 37 CFR 1.26 filed 22 October 2009.

BACKGROUND

On 30 May 2006, applicant filed international application PCT/EP2006/062742, which claimed priority of an earlier Italy application filed 03 June 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 07 December 2006. The thirty-month period for paying the basic national fee in the United States expired on 03 December 2007.

On 03 December 2007, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 14 July 2009, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 22 October 2009, applicant filed the present petition under 37 CFR 1.181 and request for refund under 37 CFR 1.26.

DISCUSSION

MPEP 1893.03(a) states in relevant part,

> [I]f there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under

> 35 U.S.C. 111(a). A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371, a 'Utility Patent Application Transmittal' (Form PTO/SB/05) or includes a benefit claim under 35 U.S.C. 120 to the international application. (Emphasis added.)

In the present case, the papers filed 30 May 2006 contained a benefit claim under 35 U.S.C. 120 to the international application on Page 1 of the purported substitute specification. Therefore, the Notice of Acceptance of Application was issued in error, as the 30 May 2006 submission should have been accepted as an application under 35 U.S.C. 111(a).

Applicant is advised that the purported substitute specification was not in compliance with 37 CFR 1.125(b) in that it was not accompanied by a statement that the substitute specification includes no new matter. Furthermore, a substitute specification voluntarily filed by the applicant cannot be used to amend the claims. See 37 CFR 1.125(b) and MPEP 608.01(q). Thus, the papers filed 03 December 2007 did not contain a proper amendment which would have reduced the number of claims for either examination or fee calculation purposes.

MPEP 607, Section III. "Excess Claims Fees", states in relevant part,

> An amendment canceling claims accompanying the papers constituting the application will be effective to diminish the number of claims to be considered in calculating the filing fees to be paid. A preliminary amendment filed concurrently with a response to a Notice To File Missing Parts of Application that required the fees set forth in 37 CFR 1.16, which preliminary amendment cancels or adds claims, will be taken into account in determining the appropriate fees due in response to the Notice To File Missing Parts of Application. No refund will be made for claims being canceled in the response that have already been paid for. (Emphasis added.)

In the present case, the transmittal letter filed 03 December 2007 contained a valid authorization to charge Deposit Account No. 14-1140 for any deficiency in the submitted fees. Because there was no cancellation of any of the claims presented on 03 December 2007, the Office properly charged Deposit Account No. 14-1140 for the required extra claims fees. Neither applicant's subsequent cancellation of claims nor applicant's purported intention to reduce the number of claims on filing entitle applicant to a refund in the present situation.

Applicant may obtain a refund of the search fee and excess claims fees pursuant to 37 CFR 1.138(d). See MPEP 607.02, Section V. "Refund of Search Fee and Excess Claims Fee".

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

For the reasons above, the request for refund under 37 CFR 1.26 is DISMISSED without prejudice.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 14 July 2009 is hereby VACATED.

This application is being forwarded to the Office of Patent Application Processing for treatment of the application as a filing under 35 U.S.C. 111(a).

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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Facsimile: 571-273-0459

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MAILED

JUN 23 2010

OFFICE OF PETITIONS

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of :
Luciano Navarini et al :
Application No. 11/921,468 : DECISION
Filed: December 3, 2007 :
Attorney Docket No. ARC-4017-93 :

This is a decision on the communication entitled, "EXPRESS ABANDONMENT AND PETITION FOR REFUND UNDER RULE 1.138(d)" filed February 2, 2010.

The request is **GRANTED** in-part.

Applicant expressly abandons the above application under 37 CFR 1.138(d), and request a refund of the search and excess claim fees. Applicant also requests a refund of the examination fee.

The search and excess claim fees will be refunded as requested. However, the examination fee will not be refunded as the refund of the examination fee is not provided for by the statute.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

As no further action will be taken in this application, this matter is being referred to the Office of Data Management for express abandonment of the subject application.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/921,468	12/03/2007	Luciano Navarini	ARC-4017-93	6356

7590 07/01/2010

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
ART UNIT	PAPER NUMBER
1782	
MAIL DATE	DELIVERY MODE
07/01/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management

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19 DEC 2007

MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA GA 30326

In re Application of	:	
CHOU, Tung-Jung	:	
Application No.: 11/921,512	:	DECISION ON PETITION
PCT No.: PCT/CN05/01228	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 10 August 2005	:	
Priority Date: 11 May 2005	:	
Attorney Docket No.: 19374-63512	:	
For: SOFT WIPER	:	

The petition to revive under 37 CFR 1.137(b) filed 04 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
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14 SEP 2009

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GORDON & REES LLP
101 West Broadway
Suite 1600
San Diego, CA 92101

In re Application of	:	DECISION ON
BLACKBURN et al	:	
Application No.: 11/921,541	:	
PCT No.: PCT/US2007/005915	:	
Int. Filing Date: 07 March 2007	:	PETITION UNDER
Priority Date: 07 March 2006	:	
Attorney's Docket No.: BHPS-1046751	:	
For: CONSTRUCTION IMAGING ... AND PROGRAM	:	37 CFR 1.47(a)

This decision is in response to applicants' "PETITION TO JOIN NON-SIGNING INVENTOR UNDER 37 C.F.R. 1.47(a)" submitted on 01 July 2009 that seeks the acceptance of the application without the signature of the co-inventor Mr. Mathew Sparks. The petition fee of $200.00 has been charged to petitioner's deposit account.

BACKGROUND

On 07 March 2007, applicants filed international application PCT/US2007/005915, which claimed priority of an earlier application filed 07 March 2006.

On 03 December 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 18 February 2009, applicants submitted an executed declaration that lists and is signed by David A. BLACKBURN, Anthony T.P. CARNEVALE, Paul J. KITCHEN, Anthony A. RUBIO And Dean ROSENBERG but Matthew SPARKS is not listed in the executed declaration.

On 03 April 2009, the Office mailed a Notification of Acceptance of Application (Form PCT/DO/EO/903) identifying a 35 U.S.C.§ 371(c)(1), (c)(2), and (c)(4) date of 18 February 2009.

This application is now before the PCT Legal Office for consideration of matters under 35 USC 371, specifically the petition under 37 CFR 1.47(a) filed on 01 July 2009.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

INVENTOR CANNOT BE REACHED:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under **37 CFR 1.47**, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under **37 CFR 1.47**.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under **37 CFR 1.47**. **37 CFR 1.43** may be available under these circumstances. See **MPEP § 409.02**. Such a petition under **37 CFR 1.47** will be dismissed as inappropriate.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

Petitioner has satisfied items (1) and (3) of 37 CFR 1.47(a). However, items (2) and (4) has not been satisfied.

Regarding item (1), the $200.00 petition fee has been charged to Petitioner's Deposit Account.

Regarding item (2), the averments of Neil Martin are insufficient to support a finding that the nonsigning inventor, Mr. Sparks could not be found after diligent effort because Mr. Martin's declaration fails to show diligent effort to locate inventor Sparks. Mr. Martin has not shown that he has searched for the above non-signing inventor's new address by using a broad search in the internet (google), which would show diligent effort by him to find the nonsigning inventor since he currently appears to have limited his search to the Californian internet white pages and Mr. Sparks may have moved to another state.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor in the petition.

Matthew Sparks
1008 Cottage Way
Encinitas, CA 92024

Regarding item (4), the executed declaration filed is defective because it does not identify Matthew Sparks. A declaration must have the proper statement and identify each inventor by full name, 37 CFR 1.63(a)(2).

Accordingly, at this time it can not be concluded that the nonsigning Mr. Sparks could not be reached after diligent effort as stipulated under 37 CFR 1.47(a).

CONCLUSION

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 03 April 2009 was an error and is **VACATED** with the mailing of this decision.

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

6/5/09

In re Application of	:	
HASEGAWA, TAKEMI	:	DECISION ON REQUEST TO
Application No. 11/921,577	:	PARTICIPATE IN PATENT
Filed: Dec. 5, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 134350	:	PROGRAM AND PETITION
For: OPTICAL ANALYZER	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program under 37 CFR 1.102(d), filed June 2, 2009 to make the above-identified application special.

The request is **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h) of $130.00 has been paid.

The request to participate in the PPH program and petition comply with the above requirements. Receipt of the requested documents is acknowledged and has been entered. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner Brian Casler, Art Unit 3737, at 571-272-4956

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

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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14 APR 2009

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

In re Application of SADANANDA et al :
U.S. Application No.: 11/921,588 :
PCT Application No.: PCT/US2006/021990 : DECISION
Int. Filing Date: 06 June 2006 :
Priority Date Claimed: 06 June 2005 :
Attorney Docket No.: 6518P016 :
For: AGGREGATING OPTICAL NETWORK DEVICE :

This is in response to applicant's petition under 37 CFR 1.47(a) filed 25 March 2009.

BACKGROUND

On 06 June 2006, applicant filed international application PCT/US2006/021990, which claimed priority of an earlier United States application filed 06 June 2005. The thirty-month period for paying the basic national fee in the United States expired on 06 December 2007.

On 05 December 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 25 March 2009, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his/her own behalf and on behalf of the nonsigning inventor. This

declaration cannot be accepted at the present time because the given name of the first inventor does not match that shown in the published international application. Applicant is required to explain such discrepancy. If the discrepancy is the result of a typographical error, the Office should simply be notified of the error. See MPEP 1893.01(e).

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Christopher Look refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to inventor Look for signature and that he received such application papers (see Appendix C). However, the petition does not sufficiently illustrate that inventor Look refuses to sign. In particular, although inventor Look purportedly made an express oral refusal to sign during a telephone conversation, the time and place of such refusal has not been set forth in an affidavit from the person to whom the refusal was made. Accordingly, it would not be reasonable to conclude at the present time that inventor Look refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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17 JUN 2009

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

In re Application of SADANANDA et al	:	
U.S. Application No.: 11/921,588	:	
PCT Application No.: PCT/US2006/021990	:	DECISION
Int. Filing Date: 06 June 2006	:	
Priority Date Claimed: 06 June 2005	:	
Attorney Docket No.: 6518P016	:	
For: AGGREGATING OPTICAL NETWORK DEVICE	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 24 April 2009.

BACKGROUND

On 06 June 2006, applicant filed international application PCT/US2006/021990, which claimed priority of an earlier United States application filed 06 June 2005. The thirty-month period for paying the basic national fee in the United States expired on 06 December 2007.

On 05 December 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 25 March 2009, applicant filed a petition under 37 CFR 1.47(a).

On 14 April 2009, this Office mailed a decision dismissing the 25 March 2009 petition.

On 24 April 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be

reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner has previously satisfied items (3) and (4) above.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his/her own behalf and on behalf of the nonsigning inventor. Although the given name of the first inventor does not match that shown in the published international application, the present renewed petition states that the discrepancy is the result of a typographical error in the international application. This statement is deemed proper notification in accordance with MPEP 1893.01(e).

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Christopher Look refuses to sign the application papers. Petitioner has previously demonstrated that a bona fide attempt was made to present a copy of the application papers to inventor Look for signature and that he received such application papers (see Appendix C). Furthermore, the renewed petition sufficiently illustrates that inventor Look refuses to sign. In particular, inventor Look purportedly made an express oral refusal to sign during a telephone conversation with Daniel De Vos on 22 April 2009. Therefore, it can be concluded with reasonable certainty that inventor Look refuses to join in the application.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 06 June 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 March 2009.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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17 JUN 2009

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Christopher Look
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In re Application of SADANANDA et al
U.S. Application No.: 11/921,588
PCT Application No.: PCT/US2006/021990
Int. Filing Date: 06 June 2006
Priority Date Claimed: 06 June 2005
For: AGGREGATING OPTICAL NETWORK DEVICE

Dear Christopher Look:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Bryan Lin

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040
Attorney Docket No.: 6518P016

20 MAY 2009

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of	:	
SADANANDA, Santosh, Kumar et al.	:	
Application No.: 11/921,620	:	DECISION
PCT No.: PCT/US2006/021986	:	
Int. Filing Date: 06 June 2006	:	ON PETITION UNDER
Priority Date: 06 June 2005	:	
Docket No.: 8433P014	:	37 CFR 1.47(a)
For: QUALITY OF SERVICE IN AN OPTICAL NETWORK	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 25 March 2009.

BACKGROUND

On 03 February 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 25 March 2009, applicant filed this petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2), (3) and (4) have been satisfied. The petition fee has been paid. Mr. Look was presented with a complete copy of the application papers including the declaration and has not returned a signed oath or declaration. Applicant states the last known address of Mr. Christopher Look as 2730 Longspur Way, Pleasanton, CA 94566. The declaration complies with 37 CFR 1.47 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **25 March 2009**.

/Erin P. Thomson/

Erin P. Thomson
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PCT Legal Administration

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20 MAY 2009

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Christopher Look
2730 Longspur Way
Pleasanton, CA 94566

In re Application of
SADANANDA, Santosh, Kumar et al.
Application No.: 11/921,620
PCT No.: PCT/US2006/021986
Int. Filing Date: 06 June 2006
Priority Date: 06 June 2005
Docket No.: 8433P014
For: QUALITY OF SERVICE IN AN OPTICAL NETWORK

Dear Mr. Look:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

/Erin P. Thomson/

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Attorney Advisor
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
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30 SEP 2009

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

In re Application of	:	
AKERBLOM, Bengt et al.	:	
Application No.: 11/921,630	:	
PCT No.: PCT/SE2006/050145	:	DECISION
Int. Filing Date: 22 May 2006	:	
Priority Date: 14 June 2005	:	ON PETITION UNDER
Docket No.: 1876.08US1	:	
For: METHOD AND ARRANGEMENT FOR MOUNTING A SENSOR DESIGNED FOR MEASURING THE DISTANCE BETWEEN STATOR AND ROTOR	:	37 CFR 1.10(c)

This decision is in response to applicant's Communication, filed in the United States Patent and Trademark Office on 02 March 2009. It has been treated as a Petition Under 37 CFR 1.10(c) to correct the receipt date.

BACKGROUND

Applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee and a declaration of the inventors. It was accorded a receipt date of 05 December 2007.

On 06 February 2009, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that the application had a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 05 December 2007.

On 02 March 2009, applicant filed a petition to correct the receipt date.

DISCUSSION

In this petition, applicant requests that the receipt date of this application be amended to 04 December 2007. The "date in" field on the Express Mail label reads "12/4/07". The requirements for a petition to correct a receipt date based on Express Mail records are set forth in 37 CFR 1.10(c). The section states as follows:

> (c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the

"date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Items (1), (2) and (3) have been met. The petition was filed promptly. The Express Mail mailing label number was listed on the correspondence. Applicant has furnished a copy of the Express Mail mailing label, bearing the USPS postmark and "date in".

CONCLUSION

For the reasons listed above, applicant's petition under 37 CFR 1.10(c) to correct the receipt date of the filing to 04 December 2007 is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 06 February 2009 is **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision, including the preparation and mailing of a corrected Notification of Acceptance and filing receipt.

/Erin P. Thomson/

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1000 WOODBURY ROAD
SUITE 405
WOODBURY, NY 11797

In re Application of FUKANO et al	:	
U.S. Application No.: 11/921,638	:	
PCT Application No.: PCT/JP2006/311218	:	
Int. Filing Date: 05 June 2006	:	DECISION
Priority Date Claimed: 07 June 2005	:	
Attorney Docket No.: 1416-20	:	
For: PRINTING DEVICE, PRINTING SYSTEM, PROGRAM, AND PRINTING METHOD	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 04 December 2009.

BACKGROUND

On 05 June 2006, applicant filed international application PCT/JP2006/311218, which claimed priority of an earlier Japan application filed 07 June 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 14 December 2006. The thirty-month period for paying the basic national fee in the United States expired on 07 December 2007.

On 05 December 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 May 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 04 December 2009, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The petition states that joint inventor Nobuya Fukano cannot be found. The petition adequately demonstrates that a diligent effort was made to locate Fukano. Specifically, applicant attempted to contact Fukano by postal mail, by searching a telephone directory, and by contacting Fukano's former co-workers, but the various efforts proved unsuccessful (see affidavit of Shinichiro Mori, ¶¶2-5). Thus, it can be concluded with reasonable certainty that Fukano cannot be found.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 05 June 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 December 2009.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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03 FEB 2010

Nobuya Fukano
8-8-20-406, Nobidome, Niiza-shi,
Saitama 352-0011
JAPAN

In re Application of FUKANO et al
U.S. Application No.: 11/921,638
PCT Application No.: PCT/JP2006/311218
Int. Filing Date: 05 June 2006
Priority Date Claimed: 07 June 2005
For: PRINTING DEVICE, PRINTING SYSTEM, PROGRAM, AND PRINTING METHOD

Dear Nobuya Fukano :

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Bryan Lin

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WOODBURY, NY 11797
Attorney Docket No.: 1416-20

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06 MAY 2008

02292
BIRCH STEWART KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of :
KOHIRA *et al* :
U.S. Application No.: 11/921,655 :
PCT No.: PCT/JP2006/311436 : **DECISION**
Int. Filing Date: 07 June 2006 :
Priority Date: 08 June 2005 :
Attorney Docket No.: 0445-0388PUS1 :
For: ABSORBENT ARTICLE :

This decision is in response to the "Petition Under 37 C.F.R. §1.182" filed 14 March 2008.

BACKGROUND

On 06 December 2007, applicants filed papers to enter the national stage of PCT/JP2006/311436.

On 14 March 2008, applicants filed a declaration and $130.00 surcharge fee along with the subject petition under 37 CFR 1.182 to change the name of an inventor.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

Petitioners state that one of the inventors has changed her last name from KAWAI to KAWAGUCHI and provided an executed declaration to that effect. Petitioners included an affidavit signed by the inventor listing both names and setting forth that the name change was the result of marriage. This explanation is sufficient pursuant to § 605.04(c) MPEP.

Petitioners authorized that any fee be charged to Deposit Account No. 02-2428. The $400.00 petition fee has been charged as authorized.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The declaration submitted 14 March 2008 is in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 07 June 2006, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 14 March 2008.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson
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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
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Minneapolis, MN 55402-0902

MAR 27 2008

In re Application of	:	DECISION ON REQUEST TO
Masakazu TANAHASHI	:	PARTICIPATE IN PATENT
Application No. 11/921717	:	PROSECUTION HIGHWAY
Filed: December 5, 2007	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 14434.0158USWO	:	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 March 18, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

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

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

Kathryn Gorgos
TQAS TC 1700

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19 DEC 2007

HODGSON RUSS LLP
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In re Application of
SOMERKOSKI, Jukka
Application No.: 11/921,722
PCT No.: PCT/FI06/00153
Int. Filing Date: 11 May 2006
Priority Date: 13 May 2005
Attorney Docket No.: 043307.00012
For: METHOD FOR PRODUCING A SUPERCONDUCTIVE ELEMENT

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 05 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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Attorney-Advisor
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23 MAY 2008

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DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

In re Application of: SMITH, Matthew, H.
U.S. App. No.: 11/921,745
Filing Date: December 07, 2007
Attorney Docket No.: 2728-0008
For: METHOD AND APPARATUS FOR DETERMINING LIQUID CRYSTAL CELL PARAMETERS FROM FULL MUELLER MATRIX MEASUREMENTS

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed February 14, 2008. Deposit Account No. 50-1860 will be charged the required $400 petition fee.

BACKGROUND

On June 09, 2006, applicant filed international application PCT/US2006/022313. The application claimed a priority date of June 10, 2005, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., December 10, 2007.

On December 07, 2007, applicant filed a Transmittal Letter requesting entry into the national stage in the United States for PCT/US2006/022313. This submission, which included, among other materials, payment of the basic national fee, an Application Data Sheet (ADS), and a preliminary amendment, was assigned U.S. application number 11/921,744 and entered into the USPTO system as the national stage of PCT/US2006/022313 filed under 35 U.S.C. 371. The attorney docket number was 2728-0009 (hereinafter "09").

Also on December 07, 2007, applicant filed a second Transmittal Letter requesting entry into the national stage in the United States for PCT/US04/13703. This submission, which included, among other materials, payment of the basic national fee, an ADS, and a preliminary amendment, was assigned U.S. application number 11/921,745. The attorney docket number was 2728-0008 (hereinafter "08").

Because an international application may have only one U.S. national stage under 35 U.S.C. 371, applicant was contacted by the USPTO and informed that a petition under 37 CFR 1.182 was required if applicant wanted one of the sets of papers filed on December 07, 2007 to be treated as a separate application filed under 35 U.S.C. 111(a).

On February 14, 2008, applicant filed the "Petition Under 37 CFR 1.182" considered herein. The petition requests that the materials assigned U.S. application number 11/921,745 (the "08" docket number) be treated as a continuation of international application PCT/US2006/022313 filed under 35 U.S.C. 111(a), with a filing date of December 07, 2007.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage under 35 U.S.C. 371 have been submitted for international application number PCT/US2006/022313 (U.S. application numbers 11/921,744 and 11/921,745). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers was improper.

Pursuant to applicant's request in the present petition, the materials assigned U.S. application number 11/921,745 (the "08" docket number) will be treated as a filing under 35 U.S.C. 111(a), with a filing date of December 07, 2007. The present petition includes a preliminary amendment and supplemental ADS that contain the continuity reference to the international application required under 37 CFR 1.78. This continuity reference was filed prior to the expiration of the time limit set forth in 37 CFR 1.78(a)(2)(ii); the application can therefore properly be treated as a continuation of the international application without the need for a petition under 37 CFR 1.78(a)(3).

The materials assigned U.S. application number 11/921,744 (the "09" docket number) will continue to be treated as the U.S. national stage of PCT/US2006/022313 filed under 35 U.S.C. 371.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED.**

The materials assigned U.S. application number 11/921,745 (the "08" docket number) will be treated as a continuation of PCT/US2006/022313 filed under 35 U.S.C. 111(a).

Application number 11/921,744 will continue to be processed as the national stage of PCT/US2006/022313 filed under 35 U.S.C. 371.

Application number 11/921,745 is being referred to the Office Of Initial Patent Examination for processing as an application filed under 35 U.S.C. 111(a).

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05 JAN 2010

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NIXON & VANDERHYE, PC
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ARLINGTON VA 22203

In re Application of	:	
KWOK et al.	:	
Application No.: 11/921,753	:	DECISION ON
PCT No.: PCT/AU06/00823	:	
Int. Filing Date: 14 June 2006	:	DECLARATION
Priority Date: 14 June 2005	:	
Attorney Docket No.: PTB-4398-789	:	
For: METHOD AND APPARATUS FOR CONTROLLING MASK LEAK IN CPAP TREATMENT	:	

This is a decision on applicant's response to the Notification of Missing Requirements regarding the submission of a declaration under PCT Rule 4.17, filed in the United States Patent and Trademark Office on 06 March 2009 in the above referenced application.

BACKGROUND

On 14 June 2006, applicant filed international application PCT/AU06/00823, claiming a priority date of 14 June 2005.

On 07 December 2007, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee along with a copy of the declaration under PCT Rule 4.17.

On 05 February 2009, the Office mailed Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 06 March 2009, applicant submitted a response to the Notification.

DISCUSSION

The declaration submitted on 07 December 2007 was filed under PCT Rule 4.17 and signed by the inventors. However, the declaration does not identify the international application to which it is directed and thus, does not comply with 37 CFR 1.497(a) as it does not identify the

specification to which it is directed.. See also PCT Administrative Instruction 214, which states that the declaration must be directed to the PCT application if the declaration is furnished pursuant to PCT Rule 26*ter*.2. It is evident that the declaration was not filed with the Request form and international application but filed thereafter, since the Request was filed on 16 June 2006 and according the United States Receiving Office records, the declarations were executed thereafter. Thus, the executed declaration was not submitted with the initial Request on 14 June 2006. The declaration does not meet the requirements of PCT Rule 26*ter*.2 or the requirements of 37 CFR 1.497(a) and (b). *See* MPEP 1893.01(e). The declaration submitted on 06 March 2009 is unacceptable.

A newly executed declaration, in compliance with 37 CFR 1.497(a) and (b), is required.

CONCLUSION

Applicant is required to file a newly executed declaration, in compliance with 37 CFR 1.63 and 1.497(a) and (b) within the time limit of one month from the date of this letter or within the time remaining in the response period of the Notification of Missing Requirements, whichever is longer. NO EXTENSION OF THIS TIME MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b) BUT THE PERIOD FOR RESPONSE SET IN THE NOTIFICATION OF MISSING REQUIREMENTS MAY BE EXTENDED UP TO A MAXIMUM OF FIVE MONTHS.

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.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

10 MAR 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
KWOK et al.	:	
Application No.: 11/921,753	:	DECISION ON
PCT No.: PCT/AU06/00823	:	
Int. Filing Date: 14 June 2006	:	DECLARATION
Priority Date: 14 June 2005	:	
Attorney Docket No.: PTB-4398-789	:	
For: METHOD AND APPARATUS FOR CONTROLLING MASK LEAK IN CPAP TREATMENT	:	

This is a decision on applicant's response to a decision mailed on 05 January 2010. regarding the submission of a declaration under PCT Rule 4.17. The response was filed in the United States Patent and Trademark Office on 21 January 2010 in the above referenced application.

BACKGROUND

On 14 June 2006, applicant filed international application PCT/AU06/00823, claiming a priority date of 14 June 2005.

On 07 December 2007, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee along with a copy of the declaration under PCT Rule 4.17.

On 05 February 2009, the Office mailed Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 06 March 2009, applicant submitted a response to the Notification. On 05 January 2010, a decision was mailed to applicant indicating that the declaration was unacceptable because it did not identify the application to which it was directed.

DISCUSSION

The declarations submitted on 21 January 2010 were executed by the inventors and identify the U.S. National stage application to which it is directed. Thus, the declarations

submitted on 21 January 2010 are acceptable.

Per applicant's authorization, the $130 surcharge for filing the declaration after the thirty month period will be charged to his deposit account.

CONCLUSION

The application will be forwarded to the United States Designated/Elected Office for further processing.

The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 21 January 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

Mail Date: 04/21/2010

Applicant	: Masayuki Tajiri	: DECISION ON REQUEST FOR
Patent Number	: 7668001	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/921,755	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **242** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

21 OCT 2009

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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:
CHRIST	:
Application No.: 11/921,773	: DECISION ON RESPONSE
PCT No.: PCT/EP06/05186	:
Int. Filing: 31 May 2006	:
Priority Date: 10 June 2005	:
Attorney Docket No.: 3398-0165PUS1	:
For: HOLLOW BOLT COMPRISING A LONGITUDINAL BORE	:

This application is before the PCT Legal Office for consideration of applicant's Response of Notification of Missing Requirements filed on 06 April 2009 in the United States Patent and Trademark Office (USPTO) in the above-captioned application requesting correction of the sole inventor's first name. This is also responsive to applicants' 16 October 2009 communication.

On 06 February 2009, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required. Specifically, the first name of the sole inventor (Eberhardt) in the declaration was different than that listed on the international application (Eberhard). Applicant was asked to provide a new declaration or an explanation for the name change.

On 06 April 2009, applicant filed a response to the 905 along with a request to correct inventor Eberhard Christ's name. Applicant explains the error in the inventor's name in the declaration is typographical; "a 't' was added to the first name of the inventor in error". Applicant indicates that the correct inventor's name is Eberhard Christ.

On 16 September 2009, a Notification of Defective Response was erroneously mailed and is hereby **VACATED.**

Applicants' explanation of the difference in inventor Eberhard Christ's first name is accepted and noted for the record. The Request to correct the typographical error in inventor's name is **GRANTED**. No petition fee is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286

21 DEC 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THORPE NORTH & WESTERN, LLP.
8180 SOUTH 700 EAST, SUITE 350
SANDY, UT 84070

In re Application of :
CROFT et al. :
Application No.: 11/921,822 : DECISION ON PETITION
PCT No.: PCT/US06/04953 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 09 February 2006 :
Priority Date: 09 February 2005 :
Attorney Docket No.: 0025-35933.PCT.US :
For: IN-BAND PARAMETRIC SOUND GENERATION SYSTEM :

The petition to revive under 37 CFR 1.137(b) filed 07 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/921,869	01/12/2009	Takayuki Doki	1965.1013	1528

7590 12/21/2009

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

EXAMINER	
KOYAMA, KUMIKO C	

ART UNIT	PAPER NUMBER
2887	

MAIL DATE	DELIVERY MODE
12/21/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☒ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Satoshi Do	: DECISION ON REQUEST FOR
Patent Number	: 7656593	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/921,952	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **218** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

MAILED

JUN 10 2010

OFFICE OF PETITIONS

In re Patent of Satoshi Do :
Patent No. 7,656,593 :
Issue Date: February 2, 2010 : Letter
Application No. 11/921,952 :
Filing Date: December 11, 2007 :
Attorney Docket No. 32011-253739 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed February 4, 2010.

The request indicates the issue fee incorrectly paid the issue fee as a small entity.

Applicant submitted $755 for the issue fee on December 14, 2009. The large entity issue fee was, and continues to be, $1,510. Therefore, the deficiency owed is $755.

The request indicates the deficiency is $745 and the request was accompanied by payment of $745. However, the deficiency actually owed is $755. Therefore, $10 has been charged to Deposit Account No. 22-0261 pursuant to the general fee authorization in the request.

The change of status to large entity has been entered and made of record.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW, GARRETT
& DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED

APR 22 2010

OFFICE OF PETITIONS

Applicants: Emma Terricabras Belart, et al.
Appl. No.: 11/921,961
International Filing Date: May 30, 2006
Title: N-AMIDE DERIVATIVES OF 8-AZABICYCLO[3.2.1]OCT-3-YL AS CCRI ANTAGONISTS
Attorney Docket: 09605.0034.00000
Pub. No.: US 2009/0130090 A1
Pub. Date: May 21, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 20, 2009, for the above-identified application.

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the priority claim cross-referenced was not printed.

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

The error noted by requester with respect to the preliminary amendment is not and Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The failure to include an

[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).

amendment is not an Office error, "See MPEP 1130(b). The publication accurately reflected the specification as filed.

The error in the subscript noted by requestor in the claim is a material Office error under 37 CFR 1.221. The error noted by requestor in the formula notation, in this published application is due to the quality of the text, as the text is very small and unclear. The quality of some of the text is poor, as it is small, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52.

Applicant is advised that he may want to file application papers that are clearer, as the errors are due to the quality of the text. The text with respect to the superscripts and subscripts are very small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

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

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

07 JAN 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of	:	
BRAND	:	
Application No.: 11/921,979	:	DECISION
PCT No.: PCT/DE2006/000840	:	
Int. Filing Date: 10 May 2006	:	
Priority Date: 10 May 2005	:	
Attorney Docket No.: BRAND - 2 PCT	:	
For: NANO-LABELING	:	

This decision is in response to applicants' submission filed 11 December 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 May 2006, applicant filed international application PCT/DE2006/000840 which designated the U.S. and claimed a priority date of 10 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 16 November 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 November 2007 (11 November 2007 being a Sunday and 12 November 2007 being a Federal holiday).

On 11 December 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 11 December 2007.

As to item (2), applicant submitted the petition fee on 11 December 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

13 MAY 2009

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Brenda Herschbach Jarrell
CHOATE, HALL & STEWART LLP
Two International Place
Boston, MA 02110

In re Application of: STOCK, Jeffery B. et al.	:	DECISION
U.S. Application No.: 11/921,994	:	ON
PCT Application No.: PCT/US2006/023022	:	
Int. Filing Date: 13 June 2006	:	PETITION
Priority Date: 13 June 2005	:	UNDER
Atty Docket No.: 2008725-0032	:	
For: COMPOSITIONS AND METHODS FOR	:	
TREATING INFLAMMATORY CONDITIONS	:	37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 04 February 2009 in the above-captioned application is hereby **GRANTED** as follows:

With regards to 37 CFR 1.137(b)(3), the petition states, "The entire delay from the date of July 15, 2008, until the filing of this Petition, was unintentional". This statement is interpreted as 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 under 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.

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned is granted as to the National stage in the United States of America.

The Notice of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) mailed 10 February 2009 and 09 March 2009 contain incorrect information regarding the date of completion of certain 35 U.S.C. 371 requirements. Accordingly, Form PCT/DO/EO/903 mailed 10 February 2009 and Form PCT/DO/EO/903 mailed 09 March 2009 are hereby VACATED.

The application has an international filing date under 35 U.S.C. 363 of 13 June 2006 and a date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) of 04 February 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Harry C. Kim
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3285

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/922,013		Satoshi Sato	5077-000266/US/NP	3191

52800 7590 05/27/2008

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

EXAMINER	
ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
05/27/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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GREGORY A. STOBBS
5445 CORPORATE DRIVE
SUITE 400
TROY, MI 48098

In re Application of
SATO, Satoshi
Application No.: 11/922,013
Filed: 12/11/2007
Attorney Docket No.: 5077-000266/US/NP

For: Image Processing Method, Image Processing System, and Image Processing Program

: 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) program and the petition under 37 CFR 1.102(d), filed May 12, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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).

Discussion:

This request to participate in the PPH pilot program and petition fails to include copies of the documents cited by the JPO examiner in the JPO office action. Specifically, the USPTO did not receive a complete copy of document KATSUKI MORI et al., "Estimation of Object Color, Light-Source Color and Light-Source Direction Using Rectangular Solid", pp 1973-1982. Rather, the USPTO received only the even pages 1974, 1976, 1978, 1980, & 1982, and has not received pages 1973, 1975, 1977, 1979, 1981.

A proper response in this case must:

Provide a complete copy of document KATSUKI MORI ET AL., "Estimation of Object Color, Light-Source Color and Light-Source Direction Using Rectangular Solid", and include pages 1973-1982.

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/922,013		Satoshi Sato	5077-000266/US/NP	3191

52800 7590 07/14/2008

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

EXAMINER	
ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
07/14/2008	PAPER

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

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

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GREGORY A. STOBBS
5445 CORPORATE DRIVE
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TROY, MI 48098

In re Application of
SATO, Satoshi
Application No.: 11/922,013
Filed: 12/11/2007
Attorney Docket No.: 5077-000266/US/NP

For: Image Processing Method, Image Processing System, and Image Processing Program

: 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) program and the petition under 37 CFR 1.102(d), filed May 12, 2008, and request for reconsideration, filed June 27, 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

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03 JAN 2008

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In re Application of
PERROT *et al*
U.S. Application No.: 11/922,035
PCT No.: PCT/US2006/020455
Int. Filing Date: 24 May 2006
Priority Date: 24 May 2005
Attorney Docket No.: 160-70957-05
For: COMMON INTEGRATED CIRCUIT FOR MULTIPLE ANTENNAS AND METHODS

DECISION

This decision is in response applicants' petition to revive under 37 CFR 1.137(b) filed 11 December 2007 and petition under 37 CFR 1.137(a) filed on 18 December 2007. The appropriate fees have been paid.

BACKGROUND

On 24 May 2006, applicants filed PCT/US2006/020455 claiming priority to a U.S. provisional application filed 24 May 2005. As such, the thirty-month period to enter the national stage in the United States expired on 24 November 2007.

On 11 December 2007, applicants filed papers to enter the national stage of PCT/US2006/020455 which were accompanied by, *inter alia*, a petition under 37 CFR 1.137(b) and petition fee.

On 18 December 2007, applicants filed a petition under 37 CFR 1.137(a) for the subject national stage application.

DISCUSSION

Applicants first requested that the subject application be revived pursuant to 37 CFR 1.137(b) on 11 December 2007. Then in light of the holding of *Aristocrat Technologies Australia v. International Gaming Technologies*, Case No 06-CV-3717, filed a petition under 37 CFR 1.137(a).

A petition to revive an abandoned application pursuant to 37 CFR 1.137(a) must be accompanied by: (1) the required reply; (2) 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; (3) any terminal disclaimer required pursuant to 37 CFR 1.137(c); and (4) the petition fee.

Applicants filed an appropriate response by filing the above-captioned national stage application and paying the Basic National fee. A terminal disclaimer is not required. The $510.00 petition fee has been paid. As such, items (1), (3) & (4) of 37 CFR 1.137(a) are complete

Regarding item (2), applicants claim that the delay in entering the national phase resulted from a docketing error caused by an e-mail that was inadvertently taken from a "to do" stack of the legal assistant. Applicants claim that the "legal assistant is confident that the printed e-mail message was mistakenly removed from the "to do" stack by a clerk or new assistant and filed as correspondence in the file folder of the International application." As a result, the legal assistant did not timely prepare the above-captioned national stage application.

Section 711.03(c) of the MPEP discusses the criteria for meeting the "unavoidable delay" standard and states, in part:

> A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:
>
> (A) the error was the cause of the delay at issue;
>
> (B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
>
> (C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

Thus, the circumstances described in the petition may form the basis for a grantable petition under 37 CFR 1.137(a). However, applicants must provide a sworn affidavit or declaration by the legal assistant detailing the facts regarding the delay in the subject application. An affidavit or declaration by the "clerk or new assistant" would be required if the person responsible is identified.

Moreover, counsel must also describe his responsibilities in this matter to ensure that all USPTO deadlines are met. A discussion of the experience of the legal assistant should also be included in the affidavit or declaration by counsel.

For these reasons, item (2) of 37 CFR 1.137(a) is not yet satisfied.

CONCLUSION

Applicants' petition for revival pursuant to 37 CFR 1.137(a) is **DISMISSED** without prejudice.

The above-captioned application remains **ABANDONED**.

Applicants' petition to revive under 37 CFR 1.137(b) will not be considered at this time, so as to provide a chance to respond to this decision. Any renewed petition must be filed within **TWO (2) MONTHS** from the mail date of this decision.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

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21 FEB 2008

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In re Application of :
PERROT *et al* :
U.S. Application No.: 11/922,035 :
PCT No.: PCT/US2006/020455 :
Int. Filing Date: 24 May 2006 : **DECISION**
Priority Date: 24 May 2005 :
Attorney Docket No.: 160-70957-05 :
For: COMMON INTEGRATED CIRCUIT :
FOR MULTIPLE ANTENNAS AND :
METHODS :

This decision is in response applicants' renewed petition to revive under 37 CFR 1.137(a) filed 22 January 2008.

BACKGROUND

On 03 January 2008, a decision dismissing applicants' petition under 37 CFR 1.137(a) was mailed[1]. Applicants were given two months to respond.

On 15 January 2008, applicants filed a renewed petition under 37 CFR 1.137(a) via facsimile. However, not all papers were received and the undersigned contacted applicants' counsel to resubmit the renewed petition.

On 22 January 2008, applicants again filed the renewed petition which was accompanied by, *inter alia*, a declaration of Maryjane Claridge, a declaration of Jonathan Vance, and exhibits A - D.

DISCUSSION

As previously discussed, a petition to revive an abandoned application pursuant to 37 CFR 1.137(a) must be accompanied by: (1) the required reply; (2) 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] Applicants also filed a petition under 37 CFR 1.137(b). This petition was held in abeyance until resolution of the petition under 37 CFR 1.137(a).

1.137(a) was unavoidable; (3) any terminal disclaimer required pursuant to 37 CFR 1.137(c); and (4) the petition fee. Item (2) was not satisfied in the original petition.

The prior decision requested applicants to provide a declaration by the legal assistant detailing the facts regarding the delay in the subject application. Counsel was also requested to describe his responsibilities in this matter. A discussion of the experience of the legal assistant was also requested.

In the renewed petition, applicants submitted a declaration by counsel explaining the procedures taken to ensure timely filing of the national phase application of PCT/US2006/020455. Applicants also submitted copies of emails and docket records which corroborate counsel's account. Counsel also discussed the experience of the legal assistant relied upon to ensure all deadlines were met. A declaration of the legal assistant, Maryjane Claridge, was also provided.

In her declaration, Ms. Claridge explained the procedures used to timely meet USPTO deadlines. These procedures include monitoring the attorney's electronic dockets and processing her e-mails. If the e-mail is task related, Ms. Claridge prints a hard-copy of the e-mail to be placed in a 'to-do/follow-up' box on her desk which is not filed or discarded until the task is completed.

In this case, it appears that the hard copy of the e-mail sent by Mr. Vance on 24 October 2007 (exhibit B) asking the legal assistant to open a new matter for filing an application to enter the national phase of PCT/US2006/020455 was lost. As a result, no record (physical or electronic) was made of the subject application resulting in the 'unavoidable' delay.

However, Ms. Claridge does not adequately explain how losing the hard copy of the e-mail resulted in a complete failure of the Klarquist docketing system. Mr. Vance states that he reviews his printed docket daily and noted the 30-month due date for the subject application. Ms. Claridge reviews the printed docket report "approximately weekly." Here, the e-mail was sent to Ms. Claridge one month prior to the national stage deadline of the PCT application. In addition, Ms. Claridge states that an electronic copy of the e-mail was saved "into the PCT matter in ProLaw." No further discussion was made explaining why this was also missed. An explanation is also required of why the electronic e-mail sent by Mr. Vance was also not reviewed in her own e-mail system prior to the expiration of the 30-month deadline?

For a grantable petition under 37 CFR 1.137(a), a more detailed explanation by Ms. Claridge is required.

CONCLUSION

For the reasons discussed above, applicants' renewed petition for revival

pursuant to 37 CFR 1.137(a) is **DISMISSED** without prejudice.

The above-captioned application remains **ABANDONED**.

Any renewed petition must be filed within **TWO (2) MONTHS** from the mail date of this decision.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
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0 2 JUN 2008

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In re Application of
PERROT *et al*
U.S. Application No.: 11/922,035
PCT No.: PCT/US2006/020455
Int. Filing Date: 24 May 2006
Priority Date: 24 May 2005
Attorney Docket No.: 160-70957-05
For: COMMON INTEGRATED CIRCUIT FOR MULTIPLE ANTENNAS AND METHODS

DECISION

This decision is in response applicants' renewed petition to revive under 37 CFR 1.137(a) filed 14 April 2008.

BACKGROUND

On 21 February 2008, a decision dismissing applicants' petition under 37 CFR 1.137(a) was mailed. Applicants were given two months to respond.

On 11 March 2008, a request for refund was submitted requesting a refund of the fees paid with the petition under 37 CFR 1.137(b) filed 11 December 2007.

On 14 April 2008, applicants filed a second renewed petition under 37 CFR 1.137(a) which was accompanied by, *inter alia*, another declaration by Maryjane Claridge and Jonathan Vance.

DISCUSSION

The prior decision requested applicants to explain the failure to enter the national stage of PCT/US2006/020455 in more detail. In the response, applicants submitted further declarations by Mr. Vance and Ms. Claridge.

A review of the evidence indicates that Ms. Claridge failed to submit paperwork to enter the U.S. national stage of PCT/US2006/020455 despite timely instructions to do so by Mr. Vance. Nonetheless, further clarification is needed on the docketing procedures at the law firm.

As discussed by Ms. Claridge in paragraph eight of her declaration filed 14 April 2008, the law firm's docketing system does not contain docket dates if more than one national stage application must be entered. This system does not seem to be a sound docketing practice. How does the law firm verify whether all countries are entered in each PCT application? Applicants must explain how their docketing system ensures that simultaneous national stage deadlines are met.

In addition, applicants submitted a copy of the docket report of the subject application as exhibit A in the petition filed 22 January 2008. The single computer docket record is of limited value in this regard. Applicants are requested to provide a daily "tickler" report or a daily log showing all applications for which a response was due on 24 November 2007 (actual due date 26 November 2007).

CONCLUSION

For the reasons discussed above, applicants' renewed petition for revival pursuant to 37 CFR 1.137(a) is **DISMISSED** without prejudice.

The above-captioned application remains **ABANDONED**. Any renewed petition must be filed within **TWO (2) MONTHS** from the mail date of this decision.

Regarding applicants request for a refund of the petition fee of $1,540.00, the petition under 37 CFR 1.137(b) is being held in abayance. As such, the petition under 37 CFR 1.137(b) will not be considered until a final decision on the petition under 37 CFR 1.137(a) is made.

If the petition under 37 CFR 1.137(a) is grantable, the petition fee will be refunded. If the petition under 37 CFR 1.137(a) is denied, the petition under 37 CFR 1.137(b) will then be considered and no fee will be refunded.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

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17 MAR 2009

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In re Application of :
PERROT *et al* :
U.S. Application No.: 11/922,035 :
PCT No.: PCT/US2006/020455 :
Int. Filing Date: 24 May 2006 : **DECISION**
Priority Date: 24 May 2005 :
Attorney Docket No.: 160-70957-05 :
For: COMMON INTEGRATED CIRCUIT :
FOR MULTIPLE ANTENNAS AND :
METHODS :

This decision is in response applicants' third renewed petition to revive under 37 CFR 1.137(a) filed 07 August 2008.

BACKGROUND

On 02 June 2008, a decision dismissing applicants' renewed petition under 37 CFR 1.137(a) was mailed. Applicants were given two months to respond.

On 07 August 2008, applicants filed the third renewed petition under 37 CFR 1.137(a) which was accompanied by, *inter alia*, declarations by Maryjane Claridge and Michael P. Girard and Exhibits A - C.

DISCUSSION

The prior decision requested further clarification on the docketing procedures used by applicants. Specifically, the law firm's docketing system does not contain docket dates if more than one national stage application must be entered. Applicants were asked to explain how their docketing system ensures that simultaneous national stage deadlines are met. Applicants were also requested to provide a daily "tickler" report or a daily log showing all applications for which a response was due on 24 November 2007 (actual due date 26 November 2007).

In the papers filed 07 August 2008, applicants provided a declaration by Mr. Girard, the supervisory attorney in this matter. Mr. Girard explains that he also failed to respond to an e-mail by approving a new matter sheet which "contributed to the failure to open the matter for the U.S. national stage application by the November 26, 2007

deadline." Mr. Girard discussed the procedures used by the firm for multiple national stage applications and the circumstances resulting in the late filing of the subject application in paragraphs 11 thru 13 of his declaration. Ms. Claridge further expanded on the circumstances surrounding the "docketing error" which caused the delay here.

Applicants submitted a docket report showing matters at the firm for which a response was due on November 24, 2007 as requested. The docket record clearly shows that the national stage entry for Common Integrated Circuit for Multiple Antennas and Methods, docket No. 160-70957-05, was due.

A review of all information provided in the subject petition and the prior petitions demonstrates that the errors causing the delay in entry in this application could be fairly characterized as "unavoidable" as defined in section 711.03(c)(C)(2) of the MPEP.

This is sufficient for a grantable petition under 37 CFR 1.137(a).

CONCLUSION

For the reasons discussed above, applicants' renewed petition for revival pursuant to 37 CFR 1.137(a) is **GRANTED**.

Applicants' request for refund mailed 11 March 2008 is also **GRANTED**.

The petition to revive under 37 CFR 1.137(b) fee of $1,540.00 will be credited back to Deposit Account No. 02-4550 as requested.

This application will be forwarded to the DO/EO/US for further processing.

James Thomson
Attorney Advisor
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0 4 JAN 2008

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Martin D. Moynihan
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P.O. Box 16446
Arlington, VA 22215

In re Application of :
ELAN et al. :
Application No.: 11/922,122 : DECISION ON PETITION
PCT No.: PCT/IL06/00327 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 13 March 2006 :
Priority Date: 14 March 2005 :
Attorney Docket No.: 42149 :
For: DEVICE AND METHOD FOR TREATING NECK TENSION OR NECK INJURY :

The petition to revive under 37 CFR 1.137(b) filed 13 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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22 APR 2009

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In re Application of PALUMBO et al :
U.S. Application No.: 11/922,128 :
PCT Application No.: PCT/US2006/023068 :
Int. Filing Date: 13 June 2006 : DECISION
Priority Date Claimed: 22 June 2005 :
Attorney Docket No.: 098390-61680 :
For: TREATMENT OF SEXUAL :
DYSFUNCTION :

This is in response to applicant's petition under 37 CFR 1.47(a) filed 26 March 2009.

BACKGROUND

On 13 June 2006, applicant filed international application PCT/US2006/023068, which claimed priority of an earlier United States application filed 22 June 2005. The thirty-month period for paying the basic national fee in the United States expired on 22 December 2007.

On 13 December 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 31 October 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 March 2009, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be

reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Yong Choi refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Choi for signature (see "Evidence 7"). Furthermore, the petition sufficiently demonstrates Choi's refusal to sign. In particular, Choi's lack of response to repeated mailings evidences a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Choi refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 June 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 26 March 2009.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

22 APR 2009

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ALEXANDRIA, VA 22313-1450
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Yong Choi
101 Windsor Drive
Pine Brook, NJ 07058

In re Application of PALUMBO et al
U.S. Application No.: 11/922,128
PCT Application No.: PCT/US2006/023068
Int. Filing Date: 13 June 2006
Priority Date Claimed: 22 June 2005
For: TREATMENT OF SEXUAL DYSFUNCTION

Dear Yong Choi:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
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GIBBONS P.C.
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Attorney Docket No.: 098390-61680

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17 JAN 2008

Edward D. Robison, Esq.
Townsend and Townsend and Crew LLP
12730 High Bluff Drive, Suite 400
San Diego, California 92130

In re Application of	:	DECISION ON
NEILAN et al	:	
Application No.: 11/922,161	:	
PCT No.: PCT/AU2006/000730	:	
Int. Filing Date: 31 May 2006	:	PETITION UNDER
Priority Date: 31 May 2005	:	
Attorney's Docket No.: 027290-000100US	:	
For: DETECTION OF HEPATOTOXIC	:	
CYANOBACTERIA	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 11 December 2007.

BACKGROUND

On 31 May 2006, this international application was filed, claiming an earliest priority date of 31 May 2005.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 31 November 2007. This international application became abandoned with respect to the United States at midnight on 31 November 2007 for failure to pay the required basic national fee.

On 11 December 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional

information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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Facsimile: (571) 273-0459

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	"5820837".pn.	USPAT	OR	OFF	2010/01/25 15:18
S2	1	"6506634".pn.	USPAT	OR	OFF	2010/01/25 15:24
S3	5	("2685941"|"20060196357"|"20070006731"|"3362133"|"3594985"|"4397660"|"6102987").PN.	USPAT	OR	OFF	2010/01/25 15:26
S4	0	"11922170"	USPAT	OR	OFF	2010/01/26 08:03
S5	1	"11922170"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 08:03
S6	58600	stripper	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 08:11
S7	1356	stripper near10 absorber	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 08:11
S8	36	stripper near10 absorber near10 (combination or combine)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 08:12
S9	29	S8 and pressure	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 08:12
S10	5	S9 and (natural near5 gas)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 08:12

EAST Search History (Prior Art)

S11	61739	stripper or (stripping adj column)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 08:25
S12	1620	S11 near10 (absorber or (absorption adj column))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 08:26
S13	0	S12 same (on adj top adj of)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 08:26
S14	400	S12 same (combined or combination)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 08:26
S15	369	S14 and pressure	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 08:27
S16	34	S14 and (pressure same bar$2)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 08:27
S17	111	S15 and (natural adj gas)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 08:27

EAST Search History (Prior Art)

S18	61739	stripper or (stripping adj column)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 10:06
S19	1620	S18 near10 (absorber or (absorption adj column))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 10:06
S20	400	S19 same (combined or combination)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 10:06
S21	369	S20 and pressure	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 10:06
S22	111	S21 and (natural adj gas)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 10:06
S23	953	absorber near4 stripper	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 10:08
S24	207	S23 and (natural adj gas) and (carbon adj dioxide)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 10:09

EAST Search History (Prior Art)

S25	435	(absorber near4 stripper) same pressure	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 10:09
S26	76	S25 and (natural adj gas) and (carbon adj dioxide)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 10:09
S27	192	absorber adj stripper	USPAT	OR	OFF	2010/01/26 11:26
S28	46	S27 same pressure	USPAT	OR	OFF	2010/01/26 11:26
S29	871407	S28 and natural gas	USPAT	OR	OFF	2010/01/26 11:26
S30	20	S28 and (natural adj gas)	USPAT	OR	OFF	2010/01/26 11:26
S31	19	"2,573,341"	USPAT	OR	OFF	2010/01/26 11:34
S32	0	"2,573,341.pn."	USPAT	OR	OFF	2010/01/26 11:34
S33	0	"2,573,341.pn."	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 11:34
S34	4	"2,573,341".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 11:34
S35	172	stripper same ((reduce or reduction) near5 pressure)	USPAT	OR	OFF	2010/01/26 13:44
S36	54	S35 and (natural adj gas)	USPAT	OR	OFF	2010/01/26 13:45
S37	54	S35 and (natural adj gas)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 13:45
S38	172	stripper same ((reduce or reduction) near5 pressure)	USPAT	OR	OFF	2010/01/26 13:45

EAST Search History (Prior Art)

S39	60871	stripper or ((stripping) adj (apparatus or unit))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 13:53
S40	1908	S39 same ((reduce or reduction or decrease or lower) near5 pressure)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 13:54
S41	79	S40 same (improvement)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 13:54
S42	138	S40 same (improvement or improve)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 13:54
S43	7	S41 and (natural adj gas)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/26 13:54
S44	0	"11922170"	USPAT	OR	OFF	2010/01/27 08:57
S45	1	"11922170"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 08:57
S46	0	95/163.ccls	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 08:58

EAST Search History (Prior Art)

S47	106	95/163.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 08:58
S48	8	"6342091"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 08:59
S49	2	"10550251"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:01
S50	1	"10554260"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:03
S51	1	"10564797"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:03
S52	1	"10580799"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:04
S53	2	"11883522"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:05

EAST Search History (Prior Art)

S54	1	"11921197"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:06
S55	1302	UHDE.asn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:10
S56	5	S55 and ((carbon adj dioxide) same (hydrogen adj sulfide))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:11
S57	60	S55 and ((carbon adj dioxide))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:11
S58	11	"1677376"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:18
S59	23	"2028456"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:19
S60	17	"3222282"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:19

EAST Search History (Prior Art)

S61	1	"19753903"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:19
S62	2	"19945326"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:19
S63	3	"10324694"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:19
S64	4	"10313438"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:19
S65	3	"0920901"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:19
S66	5	"2004052511"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:20
S67	23	"2028456"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:21

EAST Search History (Prior Art)

S68	11	"1667376"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:21
S69	3	"0920901"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:21
S70	3	"2685941".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2010/01/27 09:22

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17 JAN 2008

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Kusner & Jaffe
Highland Place- Suite 310
6151 Wilson Mills Road
Highland Heights, OH 44143

In re Application of	:	DECISION ON
PURTON et al	:	
Application No.: 11/922,171	:	
PCT No.: PCT/EP2006/062900	:	
Int. Filing Date: 07 December 2006	:	PETITION UNDER
Priority Date: 07 June 2005	:	
Attorney's Docket No.: HN9577WO(US)	:	
For: SIMULATED FIREPLACE	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 13 December 2007.

BACKGROUND

On 07 December 2006, this international application was filed, claiming an earliest priority date of 05 June 2005.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 02 December 2007. This international application became abandoned with respect to the United States at midnight on 02 December 2007 for failure to pay the required basic national fee.

On 13 December 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, the petition fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional

information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **13 December 2007.**

Rafael Bacares
PCT Legal Examiner
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Commissioner for Patents
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03 JAN 2008

Blakely, Sokoloff, Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale CA 94085-4040

In re Application of	:	
MADIGOU	:	
Application No.: 11/922,177	:	
PCT No.: PCT/FR05/01516	:	DECISION ON PETITION
Int. Filing Date: 17 June 2005	:	
Priority Date: 17 June 2004	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 15675P697	:	
For: GAME SYSTEM WITH VARIABLE ACTION CONTROLS	:	

The petition to revive under 37 CFR 1.137(b) filed 13 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

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15 APR 2008

Gregory A Stobbs
HARNESS, DICKEY & PIERCE, PLC
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Bloomfield Hills, Michigan 48303

In re Application of: Chang-hee LEE et al	:	DECISION ON
U. S. Application No.: 11/922,196	:	PETITION
PCT Application No.: PCT/KR2006/001861	:	UNDER
Int. Filing Date: 18 May 2006	:	37 CFR 1.137(b)
Priority Date: 20 May 2005	:	
Atty's Docket No.: 9242-000072/US/NP	:	

For: LONG-REACH WAVELENGTH DIVISION MULTIPLEXING PASSIVE OPTICAL NETWORK (WDM-PON).

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 14 December 2007 is **GRANTED**.

BACKGROUND

On 18 May 2006, applicant filed international application PCT/KR2006/001861. The international application designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date that is 20 May 2005. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 20 November 2007.

On 14 December 2007, applicant filed the instant petition for revival accompanied by, *inter alia*, the petition fee under 37 C.F.R. 1.17(m) and, a statement that the entire delay was unintentional.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) the petition fee required by law (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The submission of the basic national fee satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). Applicant's statement in the petition that "The entire delay in filing the required reply from the due date for the required reply, until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration is compliance with 37 CFR 1.497 must be filed.

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

Cathy Lam
Detailee
Office PCT Legal Administration

Telephone: (571) 272-6095

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

MAILED

JUN 09 2010

OFFICE OF PETITIONS

In re Application of Arregui et al. :
Application No. 11/922,221 : Letter
Filing Date: July 21, 2008 :
Attorney Docket No. 2007_2201A :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed February 4, 2010.

The deficiency payment of $2,466 is hereby accepted.

The change of status to large entity has been entered and made of record.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

13 JUL 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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00136
JACOBSON HOLMAN PLLC
400 Seventh Street
Suite 600
Washington, DC 20004

In re Application of :
ROMAN, Gianfranco :
U.S. Application No.: 11/922,225 :
PCT No.: PCT/EP2005/056476 :
Int. Filing Date: 05 December 2004 :
Priority Date: 21 June 2005 :
Attorney Docket No.: P72321US0 :
For: MULTIPLE ELECTRONIC CONTROL UNIT FOR DIFFERENTIATED CONTROL OF SOLENOID VALVES IN WATERING SYSTEMS :

DECISION ON PAPERS FILED UNDER 37 CFR 1.42

This is a decision on the declaration filed on 10 February 2009 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 05 December 2005, applicant filed international application PCT/EP2005/056476 which included a declaration executed by the inventor Gianfranco Roman pursuant to PCT Rule 4.17(iv).

On 14 December 2007, applicant filed papers to enter the national stage of PCT/EP2005/056476.

On 16 December 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) must be provided as the current declaration does not identify the application to which it is directed.

On 10 February 2009, applicants submitted a declaration signed by two heirs of the sole inventor.

DISCUSSION

The sole inventor is deceased. In response to the Form PCT/DO/EO/905 mailed 16 December 2008, applicant submitted a declaration under 37 CFR 1.42 signed by two heirs of Mr. Roman.

However, a review of the international application PCT/EP2005/056476 shows that the declaration executed by the inventor was submitted with the PCT Request on 05 December 2005. Therefore, the international application was properly identified on this declaration.

The Form PCT/DO/EO/905 mailed 16 December 2008 contains erroneous information and is hereby **VACATED**.

The declaration filed pursuant to PCT Rule 4.17(iv) is in compliance with 37 CFR 1.497(a) & (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are not required and **DISMISSED** as **MOOT**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 05 December 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 14 December 2007.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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EDWARD W CALLAN
NO. 705 PMB 452
3830 VALLEY CENTRE DRIVE
SAN DIEGO, CA 92130

Mail Date: 04/20/2010

Applicant	: Richard Edgar Ackerman	: DECISION ON REQUEST FOR
Patent Number	: 7667838	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/922,252	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **187** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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OFFICE OF PETITIONS

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

Applicant: Hartmann et al.
Appl. No.: 11/922,348
International Filing Date: July 13, 2006
Title: TETRAHYMENA HEAT INDUCIBLE PROMOTERS AND THEIR USE
Attorney Docket No.: P72324US0
Pub. No.: US 2008/0261290 A1
Pub. Date: October 23, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 30, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the omitted umlauts are omitted in the city of residence, as "Münster" is improperly printed as "Munster".

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

The request of December 30, 2008 was not timely filed. The time allotted by 37 CFR 1.221(b) expired on December 23, 2008, two months from the October 23, 2009 date of the patent application publication. Since the request was made outside the time period set forth in 37 CFR 1.221(b), relief is not available under that section to requester.

For future reference, with respect to the omitted umlauts in the city of residence, such errors are not material errors, since the omissions do not alter the meaning of the text in such a manner to affect the public's ability to appreciate the technical disclosure of the patent application

[1]Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Applicant's attention is further directed to MPEP 1130(B), which states in part: "[a]pplicants should not file requests for corrected publication that include no material error made by the Office."

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

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

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

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

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

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02 JAN 2008

25889
William Collard
COLLARD & ROE, P.C.
1077 Northern Blvd.
Roslyn, NY 11576-1696

In re Application of:
ROHS *et al*
U.S. Application No.: 11/922,375
PCT No.: PCT/DE2005/001391
Int. Filing Date: 05 August 2005
Priority Date: 06 August 2004
Attorney Docket No.: ROHS ET AL.–24PCT
For: FRICTION RING-TYPE TRANSMISSION COMPRISING . . .

DECISION

This decision is in response to applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 17 December 2007 which is hereby **GRANTED** as follows:

The basic national fee, search fee, examination fee and petition fee for a small entity have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

All requirements of 37 CFR 1.137(b) are satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided. This application is being forwarded to the Office of Patent Application Processing for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

Mail Date: 04/23/2010

Applicant	: Shintaro Suzuki	: DECISION ON REQUEST FOR
Patent Number	: 7646158	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/922,417	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **173** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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Thomsen Licensing, LLC
P.O. Box 5312
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Princeton, NJ 08543-5312

In re Application of :
SHAO, et al. :
U.S. Application No.: 11/922,447 : DECISION ON PETITION
PCT No.: PCT/EP2006/006360 :
Int. Filing Date: 30 June 2006 : UNDER 37 CFR 1.47(a)
Priority Date: 30 June 2005 :
Attorney Docket No.: PF050123 :
For: METHOD FOR CONTROLLING A :
CONSUMPTION LIMIT DATE OF DIGITAL :
CONTENTS..DISTRIBUTING SUCH CONTENTS:

This decision is in response to applicant's "Petition Under 37 CFR 1.47(a) Filing When Inventor Cannot be Reached" filed 15 September 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 30 June 2006, applicant filed international application PCT/EP2006/006360, which claimed a priority date of 30 June 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 January 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 30 December 2007.

On 18 December 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee; a first preliminary amendment and an Information Disclosure Statement.

On 15 June 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 15 September 2009, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a one-month extension of time and payment of the appropriate extension of time fee; the response is therefore considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied all four items.

Regarding item (1), applicant has provided payment of $200.00 petition fee.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

Applicant has included exhibits which show that the non-signing inventor was mailed a complete set of application papers. Subsequent to a lack of response of the inventor attempts were made to locate the non-signing inventor to no avail. Applicant has provided a firsthand account of these attempts.

Regarding item (3), applicant has provided the last known address of the non-signing inventor.

As to item (4), applicant has filed a compliant declaration of the inventors executed by the remaining inventors on their own behalf and on behalf of the non-signing inventor.

Accordingly, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 30 July 2006 under 35 U.S.C. 363, and will be given a date of **15 September 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

02 NOV 2009

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Mr. Jean-Pierre Andreaux
Spuistraat 3F2
1012 SP Amsterdam
THE NETHERLANDS

In re Application of
SHAO, et al.
U.S. Application No.: 11/922,447
PCT No.: PCT/EP2006/006360
Int. Filing Date: 30 June 2006
Priority Date: 30 June 2005
Attorney Docket No.: PF050123
For: METHOD FOR CONTROLLING A CONSUMPTION LIMIT DATE OF DIGITAL CONTENTS..DISTRIBUTING SUCH CONTENTS

Dear Mr. Andreaux:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
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JUN 15 2010

OFFICE OF PETITIONS

In re Application of :
David Paul Ciampa et al :
Application No. 11/922,470 : ON PETITION
Filed: December 18, 2007 :
Attorney Docket No. PU050125 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 1, 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, October 19, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to David Bucci at (571) 272-7099 or in his absence to Ariana Zimbouski at (571)-272-6739.

This application is being referred to Technology Center AU 2889 for appropriate action on the concurrently filed amendment.

David Bucci
Petitions Examiner
Office of Petitions

CC: **THOMSON Licensing LLC**
Two Independence Way
Princeton NJ 08540

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/922,560	05/07/2008	Roelof Marissen	BHD-4662-711	8495

23117 7590 04/22/2010

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
ART UNIT	PAPER NUMBER
3773	

MAIL DATE	DELIVERY MODE
04/22/2010	PAPER

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

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

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
MARISSEN, ROELOF	:	DECISION ON REQUEST TO
Application No. 11/922,560	:	PARTICIPATE IN PATENT
Filed: Dec. 20, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. BHD-4662-711	:	PROGRAM AND PETITION
For: SURGICAL REPAIR PRODUCT BASED ON UHMWPE FILAMENTS	:	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 April 21, 2010 to make the above-identified application special.

The request and petition are dismissed.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) 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 program and petition met all conditions except Item #2 above. The request to participate in the PPH pilot program and petition fail to include a copy of allowable claims from EPO. In the Paragraphs 4 and 5 of the office action of EPO dated March 20, 2009, the EPO examiner believed that claims 1-10 can not be considered as inventive in view of the teachings of patent document (EP1543782) and the lack of clarity issue as stated in Paragraph 5. Therefore, the EPO did not find claims 1-10 are patentable. Since there are no EPO allowable claims 1-10 presented with the request to participate in PPH Pilot program, the request can not be granted and hereby dismissed.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/922,560	05/07/2008	Roelof Marissen	BHD-4662-711	8495

23117 7590 04/28/2010

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
ART UNIT	PAPER NUMBER
3773	

MAIL DATE	DELIVERY MODE
04/28/2010	PAPER

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

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

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In re Application of	:	
MARISSEN, ROELOF	:	DECISION ON REQUEST TO
Application No. 11/922,560	:	PARTICIPATE IN PATENT
Filed: Dec. 20, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. BHD-4662-711	:	PROGRAM AND PETITION
For: SURGICAL REPAIR PRODUCT BASED ON UHMWPE FILAMENTS	:	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 April 27, 2010 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).

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. The application will be forwarded to the examiner for action on the merits commensurate with this decision as soon as all pre-exam processing has been completed.

All other inquiries concerning the examination or status of the application should be directed to Jackie Ho, the SPE of Art Unit 3773, and 571-272-4696 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

0 4 MAR 2008

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CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

In re Application of	:	
GODARD, Hilary T., et al.	:	
Application No.: 11/922,580	:	DECISION
PCT No.: PCT/US2005/046453	:	
Int. Filing Date: 21 December 2005	:	ON PETITION UNDER
Priority Date: 30 December 2004	:	
Docket No.: SP04-161	:	37 CFR 1.137(b)
For: REFACTORY MATERIALS	:	

Applicant's Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 19 December 2007 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has supplied a declaration of inventorship in compliance with 37 CFR 1.497(a)-(b). The fee for late filing of the search fee, examination fee or oath or declaration has been paid.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 19 December 2007.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

29 JAN 2008

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112 S. WEST STREET
ALEXANDRIA, VA 22314

In re Application of	:	DECISION ON
STEINER, Paul	:	
Application No.: 11/922,611	:	
PCT No.: PCT/IL2005/000237	:	
Int. Filing Date: 28 February 2005	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: 82766	:	
For: SPIRIT LEVEL	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION," filed on 20 December 2007.

BACKGROUND

On 28 February 2005, this international application was filed.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 28 August 2007. This international application became abandoned with respect to the United States at midnight on 28 August 2007 for failure to pay the required basic national fee.

On 20 December 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, the petition fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **20 December 2007**.

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06 JUL 2009

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JORDAN AND HAMBURG LLP
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New York, NY 10168

In re Application of	:	DECISION ON
STANISLOWSKI et al	:	
Application No.: 11/922,671	:	
PCT No.: PCT/DE2006/001062	:	
Int. Filing Date: 23 June 2006	:	PAPERS FILED
Priority Date: 2 July 2005	:	
Attorney's Docket No.: F-9618	:	
For: CHROMIUM RETENTION LAYERS...	:	
FUEL CELL SYSTEMS	:	UNDER 37 CFR 1.42

This is a decision is in response to applicants' "SUBMISSION OF DECLARATION and SUPPLEMENTAL APPLICATION DATA SHEET" filed 18 March 2009, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 20 December 2007, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). No executed declaration was submitted at such time.

On 19 December 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." It also stated that items set forth above must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment."

On 18 March 2009, applicants submitted an executed declaration which is signed by Ulrike HILPERT as the sole heir of the deceased and legal representative of the second joint inventor Klaus HILPERT.

DISCUSSION

The executed declaration submitted is signed by the sole heir Ulrike HILPERT and legal representative of the deceased inventor (Klaus HILPERT) and it satisfies the requirements under 37 CFR 1.42.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

The submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C.§ 371(c)(1), (c)(2), and (c)(4) date of this application as **18 March 2009**.

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24 JUL 2008

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WASHINGTON DC 20006-1021

In re Application of MAEDONO (Deceased) et al. Application No.: 11/922,673 PCT No.: PCT/JP06/312682 Int. Filing Date: 20 June 2006 Priority Date: 21 June 2005 Attorney Docket no.: 2007_1978A For: COPPER ALLOY WATER SUPPLY MEMBER	DECISION ON REQUEST UNDER 37 CFR 1.42

This is a decision on applicant's request under 37 CFR 1.42 along with an executed declaration filed in the United States Patent and Trademark Office (USPTO) on 19 March 2008.

BACKGROUND

On 21 December 2007, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee and declaration.

On 19 March 2008, applicant filed an executed declaration identifying Chizuko Maedono as the legal representative of the estate of deceased inventor Hiroaki Maedono.

DISCUSSION

The declaration must state the relationship and the country of citizenship for both the deceased inventor and the legal representative, and the residency and mailing address for the legal representative, to meet the requirements for compliance with 37 CFR 1.497(a) and (b).

The declaration submitted with the petition identifies Chizuko Maedono as the legal representative of the estate of deceased inventor Hiroaki Maedono and states the relationship, country of citizenship, residency and mailing address for the legal representative. The declaration meets the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED.**

The declaration by the legal representative for deceased inventor Hiroaki Maedono submitted on 19 March 2008 is accepted as a proper declaration under 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 19 March 2008.

Cynthia M. Kratz
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0 6 MAR 2008

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MATHEWS, SHEPHERD, MCKAY, & BRUNEAU, P.A.
29 THANET ROAD, SUITE 201
PRINCETON NJ 08540

In re Application of :
ZANELLATO, Anna Maria, et al. :
Application No.: 11/922,680 : DECISION
PCT No.: PCT/EP2006/005030 :
Int. Filing Date: 26 May 2006 : ON PETITION UNDER
Priority Date: 30 May 2005 :
Docket No.: 833-166 US : 37 CFR 1.137(b)
For: PROCESS FOR THE PREPARATION :
AND ISOLATION OF PHOSPHATIDES :

Applicant's Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 19 December 2007 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has supplied a declaration of inventorship in compliance with 37 CFR 1.497(a)-(b). The fee for late filing of the search fee, examination fee or oath or declaration will be charged to deposit account no. 13-2165, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 19 December 2007.

/Erin P. Thomson/

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30 JAN 2008

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In re Application of	:	DECISION ON
ERICSON et al	:	
Application No.: 11/922,691	:	
PCT No.: PCT/SE2006/000735	:	
Int. Filing Date: 16 June 2006	:	PETITION UNDER
Priority Date: 17 June 2005	:	
Attorney's Docket No.: 3782-0310PUS2	:	
For: A PERSONAL COMPUTING APPRATUS	:	
AND A METHOD THEREIN	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 21 December 2007.

BACKGROUND

On 16 June 2006, this international application was filed, claiming an earliest priority date of 17 June 2005.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 17 December 2007. This international application became abandoned with respect to the United States at midnight on 17 December 2007 for failure to pay the required basic national fee.

On 21 December 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, the petition fee and an executed declaration filed under PCT Rule 4.17(iv).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay

in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **21 December 2007.**

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15 JAN 2008

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In re Application of ERICSON et al.
Application No.: 11/922,693
PCT No.: PCT/SE06/00731
Int. Filing: 16 June 2006
Priority Date: 17 June 2005
Attorney Docket No.: 3782-0311PUS2
For: METHOD AND SYSTEM FOR COMBINING A POSITION AND INFORMATION CODE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 21 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $310 has been provided. The required petition fee of $1540 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 21 December 2007.

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23 JUN 2008

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In re Application of	:	DECISION
FUKUYAMA et al.	:	
Application No.: 11/922,719	:	
PCT No.: PCT/JP2006/310236	:	
Int. Filing Date: 23 May 2006	:	
Priority Date: 20 June 2005	:	
Attorney Docket No.: ACO07329PCTUS	:	
For: CHAIR-TYPE MASSAGING	:	
APPARATUS, MASSAGING APPARATUS,	:	
CONTROL DEVICE OF CHAIR-TYPE	:	
MASSAGING APPARATUS	:	

This decision is in response to applicants' "REQUEST TO CORRECT INVENTORSHIP" filed on 03 April 2008, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 23 May 2006, applicants filed international application PCT/JP2006/310236, which designated the United States and claimed a priority date of 20 June 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 28 December 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 December 2007.

On 20 December 2007, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 03 April 2008, applicants filed the instant petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a declaration of inventors, a statement by Mitsunori Kato, and a consent of assignee statement.

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution

> of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Applicants have satisfied items (1) and (2). Item (4) is not required.

Item (3) has not been satisfied. A showing under 3.73(b) has not been provided. See MPEP § 324, item II.

Declaration of Inventors

The declaration of inventors filed 03 April 2008 is not in compliance with 37 CFR 1.497(a)-(b) because it is not clear what application is being executed. The declaration states that it executes the specification which "is attached hereto". However, no specification is attached to the declaration. See MPEP § 602, Item VI.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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UNITED STATES PATENT AND TRADEMARK OFFICE

24 NOV 2008

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In re Application of	:	DECISION
FUKUYAMA et al.	:	
Application No.: 11/922,719	:	
PCT No.: PCT/JP2006/310236	:	
Int. Filing Date: 23 May 2006	:	
Priority Date: 20 June 2005	:	
Attorney Docket No.: ACO07329PCTUS	:	
For: CHAIR-TYPE MASSAGING APPARATUS, MASSAGING APPARATUS, CONTROL DEVICE OF CHAIR-TYPE MASSAGING APPARATUS	:	

This decision is in response to applicants' renewed petition under 37 CFR 1.497(d) filed 18 September 2008.

BACKGROUND

On 23 May 2006, applicants filed international application PCT/JP2006/310236, which designated the United States and claimed a priority date of 20 June 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 28 December 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 December 2007.

On 20 December 2007, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 03 April 2008, applicants filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a declaration of inventors, a statement by Mitsunori Kato, and a consent of assignee statement.

On 23 June 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.497(d). Specifically, it was noted that a showing under 3.73(b) had not been provided and that the declaration of inventors filed 03 April 2008 was not in compliance with 37 CFR 1.497(a)-(b).

On 18 September 2008, applicants filed the instant renewed petition under 37 CFR 1.497(d) which was accompanied by a petition/fee for a one month extension of time, a declaration of inventors, and a 3.73(b) statement.

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 23 June 2008, applicants have satisfied items (1) and (2) and item (4) is not required.

Item (3) has now been satisfied.

Declaration of Inventors

The declaration of inventors filed 18 September 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Yoshifumi Fukuyama, Tomoki Nagamitsu, Akihiko Gondai, Keisuke Takatsuka, Tomoharu Fukuda, and Mitsunori Kato as inventors.

/Daniel Stemmer/

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MAILED OCT 01 2009

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In re Application of: Weili Luo	:	
Application No.: 11/922750	:	DECISION ON PETITION TO
Filed: March 4, 2009	:	MAKE SPECIAL FOR NEW
Title: APPARATUS AND METHODS OF	:	APPLICATION UNDER 37
TRANSFERRING HEAT WITH A DIFFERENTIAL	:	C.F.R. § 1.102 & M.P.E.P. §
MAGNETO-THERMAL FORCE	:	708.02

This is a decision on the petition filed on July 18, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application and is not a filing under 37 CFR 1.111(a). As noted in the policy statement referenced above, any petition to make special filed

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

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. The Notice of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) can be accessed on the internet at
http://www.uspto.gov/web/offices/com/sol/notices/71fr36323.pdf

Further guidance may be found website of the USPTO at
http://www.uspto.gov/web/patents/accelerated

under the accelerated examination link.

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

Any inquiry regarding this decision should be directed to Linda Sholl, TC 3700 Special Program Examiner, at (571) 272-4391.

Linda Sholl
Special Program Examiner
Technology Center 3700

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10 JAN 2008

00466
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In re Application of :
SHARPIN, Rosemary Katherine Cameron :
U.S. Application No.: 11/922,785 :
PCT No.: PCT/NZ2005/000139 :
Int. Filing Date: 23 June 2005 :
Priority Date: 23 June 2004 :
Attorney Docket No.: 4504-1099 :
For: IMPROVEMENTS IN AND RELATING TO MICRO-ORGANISMS TEST APPARATUS AND METHODS FOR USING THE SAME :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 21 December 2007 is hereby **GRANTED** as follows:

The basic national fee and petition fee for a small entity have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was not submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee are required.

James Thomson

James Thomson
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11 APR 2008

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In re Application of: REIS, Alan, J., et al.
U.S. Application No.: 11/922,794
PCT No.: PCT/US2006/006730
International Filing Date: 23 February 2006
Priority Date: 24 February 2005
Atty Docket No.: 17488.1a.2
For: A REGISTRY METHOD AND CONTROL SYSTEM FOR DEA SCHEDULE II-V MEDICINES

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 21 December 2007 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2006/006730 became abandoned with respect to the U.S. at midnight on 24 August 2007 based on applicant's failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival includes payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the present petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirements of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application is granted with respect to the U.S.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicants have not yet submitted an executed declaration in compliance with 37 CFR 1.497.

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UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 JUN 2009

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Harness, Dickey & Pierce, P.L.C.
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Bloomfield Hills MI 48303

In re Application of :
TOURNEFIER et al. :
Application No.: 11/922,812 : DECISION ON REQUEST
PCT No.: PCT/EP2006/063452 :
Int. Filing Date: 22 June 2006 :
Priority Date: 22 June 2005 :
Attorney Docket No.: 15095-000003/US/NP :
For: ELECTROPHYSIOLOGICAL ANALYSIS SYSTEM AND METHOD

This decision is issued in response to applicant's "Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office" filed 06 April 2009 which is being treated as a Petition to Correct Inventorship under 37 CFR 1.497(d). The $130 petition fee has been provided.

BACKGROUND

On 21 December 2007, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; an application data sheet; and an information disclosure statement.

On 04 November 2008, applicant filed a declaration executed by: Annick Nicole Lydie Tournefier; Philippe Brunswick; and Nicolas Bocquet.

On 06 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.492(a) and (b) and the surcharge 37 CFR 1.492(e). (The declaration filed 04 November 2008 was defective because it indicated an additional inventor not listed on the published international application.) The notification set a two-month time limit in which to respond.

On 06 April 2009, applicant filed a request under 37 CFR 1.497(d).

DISCUSSION

As defined in 37 CFR 1.9(a)(3), a U.S. national stage application must first comply

with the requirements of 35 U.S.C. 371(c) to constitute a "nonprovisional" application, therefore, applicant's request will be treated under 37 CFR 1.497(d). Applicant requests to add Nicolas Bocquet as an inventor to the present application. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17(i); and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied items (1), (2) and (3). However, in order to satisfy item (4), applicant is required to submit a written consent of assignee to the correction in inventorship in compliance with 37 CFR 3.73(b) (See Form PTO/SB/96), or written confirmation that no assignee exists.

The inventors of record remain the inventors named on the international application.

CONCLUSION

Applicant's request to add Nicolas Bocquet under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant must file a proper response to this decision within **TWO (2) MONTHS** from the mail date indicated above. A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b) or written confirmation that no assignee exists. Failure to file a timely and proper response will result in abandonment of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

0 8 SEP 2009

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In re Application of: TOURNEFIER et al.
Application No.: 11/922,812
PCT No.: PCT/EP2006/063452
Int. Filing Date: 22 June 2006
Priority Date: 22 June 2005
Attorney Docket No.: 15095-000003/US/NP
For: ELECTROPHYSIOLOGICAL ANALYSIS SYSTEM AND METHOD

DECISION ON REQUEST

In a decision mailed by this Office on 04 June 2009, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 22 July 2009, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's 04 June 2009 and 22 July 2009 submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the added inventor. The processing fee set in forth in 37 CFR §1.17 has been submitted. Further, applicant has submitted a statement that the original named inventors have not executed an assignment, satisfying the requirement under 37 CFR 1.497(d)(3).

Based on the above, applicant's request to add Nicolas Bocquet as an inventor is appropriately granted. Based on this correction, the declaration filed on 04 November 2008 (which named Annick Nicole Lydie Tournefier; Philippe Brunswick; and Nicolas Bocquet) is acceptable under 37 CFR 1.497.

Applicant's request to correct inventorship under 37 CFR 1.497(d) is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 04 November 2008.

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17 JUL 2009

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

In re Application of :
COERLIN, Detlev, et al. :
Application No.: 11/922,840 :
PCT No.: PCT/EP2006/063430 : DECISION ON
Int. Filing Date: 22 June 2006 :
Priority Date: 28 June 2005 : REQUEST
Attorney Docket No.: 2005P09951WOUS :
For: METHOD FOR SUPPLYING FUEL GAS : UNDER 37 CFR 1.42
TO A GAS CHAMBER OF A FUEL :
CELL AND FUEL CELL :

This is a decision on applicant's request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 14 April 2009.

BACKGROUND

On 18 February 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required.

On 14 April 2009, applicant submitted a declaration of the inventors and the surcharge for filing search fee, examination fee or the oath or declaration after 30 months.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration must list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration lists the information for the living inventors and presumably for the deceased inventor, but not for the legal representative. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 and the surcharge for late filing of the search fee, examination fee or oath or declaration, within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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30 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of :
COERLIN, Detlev, et al. :
Application No.: 11/922,840 :
PCT No.: PCT/EP2006/063430 : DECISION ON
Int. Filing Date: 22 June 2006 :
Priority Date: 28 June 2005 : REQUEST
Attorney Docket No.: 2005P09951WOUS :
For: METHOD FOR SUPPLYING FUEL GAS : UNDER 37 CFR 1.42
TO A GAS CHAMBER OF A FUEL :
CELL AND FUEL CELL :

This is a decision on applicant's renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 27 August 2009.

BACKGROUND

On 17 July 2009, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicant's request.

On 27 August 2009, applicant submitted a new declaration of the inventors.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 27 August 2009 declaration satisfies the requirements of 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

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8 JUN 2009

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In re Application of	
OBUCHI, et al.	
U.S. Application No.: 11/922,857	DECISION ON PETITION
PCT No.: PCT/JP2006/312576	
Int. Filing Date: 23 June 2006	UNDER 37 CFR 1.182
Priority Date: 24 June 2005	
Attorney's Docket No.: 118PUS	
For: ORGANIC SEMICONDUCTOR FILM FORMING METHOD, ORGANIC SEMICONDUCTOR FILM AND ORGANIC THIN FILM TRANSISTOR	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The declaration filed 20 December 2007 in the United States Patent and Trademark Office (USPTO) is being treated as a petition under 37 CFR 1.182 to change the name of inventor Reiko Sugisaki to Reiko Obuchi. As authorized the $400.00 petition fee will be charged to deposit account number 03-2412.

BACKGROUND

On 23 June 2006, applicant filed international application PCT/JP2006/312576. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 28 December 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 24 December 2007.

On 20 December 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application; an assignment document for recording; a preliminary amendment; an Application Data Sheet; an Information Disclosure Statement and an executed declaration of the inventors.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to

change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

The presently filed declaration does not satisfy the provisions of a grantable 37 CFR 1.182 petition in this instance as it merely states that the name of inventor Reiko Obuchi was formerly Reiko Sugisaki. As detailed above, in order to proceed in the U.S. National stage applicant must provide a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **DISMISSED**.

Applicant is hereby afforded **TWO (2) MONTHS** to file a proper response as detailed above. The response should be titled, "Renewed Petition Under 37 CFR 1.182."

Please direct future correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of	:	
OBUCHI, et al.	:	
U.S. Application No.: 11/922,857	:	DECISION ON PETITION
PCT No.: PCT/JP2006/312576	:	
Int. Filing Date: 23 June 2006	:	UNDER 37 CFR 1.182
Priority Date: 24 June 2005	:	
Attorney's Docket No.: 118PUS	:	
For: ORGANIC SEMICONDUCTOR FILM FORMING METHOD, ORGANIC SEMICONDUCTOR FILM AND ORGANIC THIN FILM TRANSISTOR	:	

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.182" filed 17 November 2009 in the United States Patent and Trademark Office (USPTO) to change the name of inventor Reiko Sugisaki to Reiko Obuchi. No additional petition fee is required.

BACKGROUND

On 08 June 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.182. Applicant was afforded two months to file any request for reconsideration.

On 17 November 2009, applicant filed the renewed petition discussed herein. As authorized, the four-month extension of time payment necessary to consider the renewed petition a timely response to the decision mailed 08 June 2009 will be charged to deposit account 03-2412 as authorized.

DISCUSSION

As explained in the decision mailed 08 June 2009, the Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

Applicant has presently provided a copy of the city register confirming that inventor Reiko Sugisaki changed her name to Reiko Obuchi as a result of marriage. Therefore, it is proper to grant applicant's petition at this time.

CONCLUSION

The renewed petition under 37 CFR 1.182 to change the inventor's name is **GRANTED**.

The application has an international filing date of 23 June 2006 under 35 U.S.C. 363 and will be given a date of **20 December 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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UNITED STATES PATENT AND TRADEMARK OFFICE

25 SEP 2009

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Clark & Elbing, LLP
101 Federal Street
Boston, MA 02110

In re Application of :
FILGUEIRA et al. :
Application No.: 11/922,881 :
PCT No.: PCT/US2006/025483 :
Int. Filing: 29 June 2006 : DECISION ON PETITION
Priority Date: 30 June 2005 :
Attorney Docket No.: 50111/055002 :
For: TAT-005 AND METHOD OF :
ASSESSING AND TREATING CANCER

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 24 August 2009 to accept the application without the signature of joint inventor, Lyes Hamaidi. The requisite $200 petition fee has been submitted.

BACKGROUND

On 29 June 2006, applicants filed international application PCT/US2006/025483, which claimed a priority date 30 June 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 January 2007. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 30 December 2007.

On 24 December 2007, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 22 January 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. Furthermore, the Notification indicated that a Sequence Listing had not been filed as required by 37 CFR 1.821(c) and (e). The notification set a two-month time limit in which to respond. The notification set a two-month time limit in which to respond.

Application No.: 11/922,881

On 24 August 2009, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Items (1) and (3) have been satisfied.

Regarding item (2) above, petitioner states that Lyes Hamaidi cannot be reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that applicants have not provided an acceptable showing that a diligent effort was made to reach the non-signing inventor, Lyes Hamaidi. The declarations of Dr. Michael Mould, Ms. Helene Nezan, and James D. DeCamp state that numerous attempts were made to reach Lyes Hamaidi but all attempts were unsuccessful. A copy of the cover letter mailed 13 August 2009, numerous emails, and internet searches were provided with the present petition. However, it is unclear as to the delivery status of the letter mailed 13 August 2009. Was the letter(s) returned as undeliverable? Was the letter received by Lyes Hamaidi or by someone at the last known address? As stated above, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

Regarding item (4) above, section 409.03(a) of the Manual of Patent Examining

Application No.: 11/922,881

Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by sixteen of the seventeen inventors of record, and the declaration includes an unsigned signature block for the nonsigning inventor, Lyes Hamaidi. However, a review of the declaration filed on 24 August 2009 reveals that declaration is not in an acceptable form. Specifically, there is an issue as to whether the declaration has been properly executed. The declaration filed with the petition includes multiple duplicate sheets. It is unclear if the inventors were presented with only their signature page, in which case the execution would be improper, or if they were presented with a complete declaration for signing, but counsel subsequently compiled the declaration into the single document filed 24 August 2009, which is also improper. (See MPEP 201.03) Therefore, item (4) has not been satisfied.

For the above reasons, it would not be appropriate to accept this application without the signatures of Lyes Hamaidi at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

10 MAR 2010

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In re Application of :
FILGUEIRA et al. :
Application No.: 11/922,881 :
PCT No.: PCT/US2006/025483 :
Int. Filing: 29 June 2006 : DECISION ON PETITION
Priority Date: 30 June 2005 :
Attorney Docket No.: 50111/055002 :
For: TAT-005 AND METHOD OF :
ASSESSING AND TREATING CANCER

This decision is in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 24 November 2009. In a decision dated 25 September 2009, the "Petition under 37 CFR 1.47(a)" filed 24 August 2009 was dismissed because applicant did not provide adequate proof that the nonsigning inventor, Lyes Hamaidi, refused to execute the application or could not be reached after diligent effort. Additionally, petitioner had not submitted an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventor (the declaration submitted appeared to be a compilation of multiple declaration documents).

The procedural background for this application was set forth in detail in the decision mailed by this Office on 25 September 2009.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Items (1) and (3) have been previously satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor cannot be reached or located after diligent effort. In support of this assertion, applicants have submitted statements from Dr. Michael Mould, Ms. Helene Nezan, and James D. DeCamp, with supporting documents, describing efforts made to locate the nonsigning inventor,

including numerous online searches. Further, petitioner has provided evidence that the mailing of the application was attempted but was returned to sender. These materials provide an acceptable showing that the nonsigning inventor cannot be reached or located after diligent effort. Item (2) is therefore satisfied.

Regarding item (4) above, section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by sixteen of the seventeen inventors and including an unsigned signature box identifying the nonsigning inventor (Lyes Hamaidi). This declaration is treated as having been executed by the available inventors on his behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

CONCLUSION

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

The application will be given an international filing date of 29 June 2006 under 35 U.S.C. 363, and a date of **24 November 2009** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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UNITED STATES PATENT AND TRADEMARK OFFICE

10 MAR 2010

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In re Application of
FILGUEIRA et al.
Application No.: 11/922,881
PCT No.: PCT/US2006/025483
Int. Filing: 29 June 2006
Priority Date: 30 June 2005
Attorney Docket No.: 50111/055002
For: TAT-005 AND METHOD OF ASSESSING AND TREATING CANCER

Dear Lyes Hamaidi:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

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CLEVELAND, OH 44114-2378

In re Application of MARKUS et al	:	
U.S. Application No.: 11/922,898	:	
PCT Application No.: PCT/US2006/025166	:	DECISION
Int. Filing Date: 27 June 2006	:	
Priority Date Claimed: 29 June 2005	:	
Attorney Docket No.: 31867-17	:	
For: COLLECTIONS OF LINKED DATABASES	:	

This is in response to applicant's correspondence filed 30 November 2009, which is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 27 June 2006, applicant filed international application PCT/US2006/025166, which claimed priority of an earlier United States application filed 29 June 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 11 January 2007. The thirty-month period for paying the basic national fee in the United States expired on 29 December 2007.

On 21 December 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 04 June 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 15 July 2009, applicant filed an executed declaration.

On 24 August 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to the inventive entity.

On 30 November 2009, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Heather Markus and Brian Smith should be added as inventors.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statements have been provided.

With regard to item (2) above, applicant has submitted $65.00 towards the requisite $130.00 processing fee. The deficiency will be charged to Deposit Account No. 02-2051 as authorized in the petition.

With regard to item (3) above, written consent of the assignee has been provided. The assignee has established the right to take action in compliance with 37 CFR 3.73(b).

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 27 June 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 July 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

21 APR 2009

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Martin D Moynihan
PRTSI, INC.
P.O. Box 16446
Arlington VA 22215

In re Application of	:	
TWOROWSKI et al.	:	
Serial No.: 11/922,913	:	DECISION ON
PCT No.: PCT/IL07/00404	:	
Int. Filing Date: 28 March 2007	:	PETITION UNDER
Priority Date: 28 March 2006	:	
Attorney's Docket No.: 42740	:	37 CFR 1.47(a)
For: HETEROCYCLIC COMPOUNDS AND USES THEREOF IN THE TREATMENT OF SEXUAL DISORDERS	:	

This decision is on applicant's Petition under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 11 February 2009.

BACKGROUND

On 15 December 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 11 February 2009, applicant filed the response to the Notification of Missing Requirements along with a Petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the requisite petition fee, (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Item (1) is satisfied with the payment of the petition fee. Item (3) is satisfied because the last known addresses of the inventors were provided.

With regard to Item (2), petitioner has submitted the statement of first hand knowledge of Dean A. Sarembock. Mr. Sarembock states that he "personally caused copies of the above identified application, oath and declaration, fully filled out for Mr. Dmitry Tworowski and Mr. Ron Matsievitch's signatures, to be sent by Registered Return Receipt Mail of the Israeli Postal Authority" to their respective last known address. A copy of the 10 January 2008 correspondence Mr. Sarembock sent to Messrs. Matsievitch and Tworowski indicates that a copy of the U.S. patent application 11/922,913, declaration and power of attorney were sent to each inventor for his signature. The inventors never responded to the request to sign the application.

Mr. Sarembock indicates that the Registered Letter receipts dated January 14 and January 27, 2008 is proof of delivery to the respective inventors. The Israeli postal receipts are translated into English to confirm that the papers *were actually received.* This is sufficient evidence to conclude that Messrs. Matsievitch and Tworowski refused to sign the application papers. *See* MPEP. 409.03(d). Accordingly, Item (2) above has been satisfied.

As for Item (4), Petitioner has provided a declaration executed by one of the joint inventors, Vladimir Kogan. The declaration is unacceptable is not acceptable. A review of the declaration reveals that the first page of the application has been altered to delete "United States Application No." and "and was amended on__". The USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. Therefore, a new acceptable oath or declaration executed by the inventor VLADIMIR KOGAN is required to satisfy the requirements of 37 CFR 1.47(a). Accordingly Item (4) is not yet satisfied and the petition under 37 CFR 1.47(a) must be dismissed.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

11 AUG 2009

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Martin D Moynihan
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Arlington VA 22215

In re Application of	
TWOROWSKI et al.	
Serial No.: 11/922,913	DECISION ON
PCT No.: PCT/IL07/00404	
Int. Filing Date: 28 March 2007	PETITION UNDER
Priority Date: 28 March 2006	
Attorney's Docket No.: 42740	37 CFR 1.47(a)
For: HETEROCYCLIC COMPOUNDS AND USES THEREOF IN THE TREATMENT OF SEXUAL DISORDERS	

This decision is on applicant's Petition under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 11 June 2009.

BACKGROUND

On 15 December 2008, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 11 February 2009, applicant filed the response to the Notification of Missing Requirements along with a Petition under 37 CFR 1.47(a) alleging that inventors Tworowski and Matsievitch refused to sign the application papers.

On 21 April 2009, a decision dismissing the petition was mailed indicating that a newly executed declaration by inventor Kogan was required due to an alteration on the previously filed declaration.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the requisite petition fee, (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Items (1)-(3) were previously provided. The declaration submitted on 11 June 2009 and executed by inventor Kogan satisfies (4). The requirements of 37 CFR 1.47(a)are satisfied. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

For the above reasons, the petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 11 June 2009. The application has an international filing date of 28 March 2007 under 35 U.S.C. 363, and a date of 11 June 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

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11 AUG 2009

RON MATSIEVITCH
18 NEOT GOLDA MEIR STREET
APT. 22
42345 NATANIA ISRAEL

In re Application of :
TWOROWSKI et al. :
Serial No.: 11/922,913 :
PCT No.: PCT/IL07/00404 :
Int. Filing Date: 28 March 2007 :
Priority Date: 28 March 2006 :
Attorney's Docket No.: 42740 :
For: HETEROCYCLIC COMPOUNDS AND USES :
THEREOF IN THE TREATMENT OF SEXUAL :
DISORDERS :

Dear Mr. Matsievitch:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

11 AUG 2009

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DMITRY TWOROWSKI
30 RUPIN STREET, APT 5
76353 RECHOVOT, ISRAEL

In re Application of :
TWOROWSKI et al. :
Serial No.: 11/922,913 :
PCT No.: PCT/IL07/00404 :
Int. Filing Date: 28 March 2007 :
Priority Date: 28 March 2006 :
Attorney's Docket No.: 42740 :
For: HETEROCYCLIC COMPOUNDS AND USES :
THEREOF IN THE TREATMENT OF SEXUAL :
DISORDERS :

Dear Mr. Tworowski:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

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

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JUN 23 2009

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TECHNOLOGY CENTER 2600

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of
TAKAHASHI, KUNIAKI
Application No. 11/922,942
Filed: March 16, 2009
Attorney Docket No. 450137-06079

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 8, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with items 2 and 5 above in that although a copy of the allowable/patentable claims and JPO Office action have been submitted, the petition fails to include an English translation of the actual allowable/patentable claims and Office action from the JPO application. Additionally, the petition fails to include a statement that the English translation is accurate.

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

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 08 2009

DIRECTOR'S OFFICE
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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of :
TAKAHASHI, KUNIAKI et al. :
Application No. 11/922,942 :
Filed: March 16, 2009 :
Attorney Docket No. 450137-06079 :

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 02, 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 now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

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

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

22 JAN 2008

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Matin D Moynihan
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In re Application of	:	
NIMER et al.	:	
Application No.: 11/922,969	:	DECISION
PCT No.: PCT/IL2006/000653	:	
Int. Filing Date: 06 June 2006	:	
Priority Date: 06 June 2005	:	
Attorney Docket No.: 42933	:	
For: MICROELECTRODE, APPLICATIONS	:	
THEREOF AND METHOD OF MANUFACTURING	:	

This decision is in response to applicants' submission filed 27 December 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 06 June 2006, applicant filed international application PCT/IL2006/000653 which designated the U.S. and claimed a priority date of 06 June 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 14 December 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 December 2007.

On 27 December 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 27 December 2007.

As to item (2), applicant submitted the petition fee on 27 December 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

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3 1 DEC 2008

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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
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In re Application of	:	SUPPLEMENTAL
NIMER et al.	:	
Application No.: 11/922,969	:	DECISION
PCT No.: PCT/IL2006/000653	:	
Int. Filing Date: 06 June 2006	:	
Priority Date: 06 June 2005	:	
Attorney Docket No.: 42933	:	
For: MICROELECTRODE, APPLICATIONS THEREOF AND METHOD OF MANUFACTURING	:	

This decision is supplemental to the decision mailed 22 January 2008.

The last paragraph of that decision indicated that the application was being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage. However, a declaration in compliance with 37 CFR 1.497(a)-(b) had already been filed on 27 December 2007. Accordingly, that portion of the decision is hereby VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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15 SEP 2009

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BOSTON MA 02109

In re Application of :
LEUKES, et al. :
Application No.: 11/922,977 :
PCT No.: PCT/IB2006/052204 : DECISION ON PAPERS
Int. Filing Date: 30 June 2006 :
Priority Date: 30 June 2005 : UNDER 37 CFR 1.42
Attorney Docket No.: SFW-017US :
For: PRODUCTION OF RECOMBIANT :
PRODUCTS USING CAPILLARY :
MEMBRANES :

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declarations and powers of attorney filed 20 August 2009 are being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 30 June 2006, applicant filed international application PCT/IB2006/052204, which claimed priority to an earlier application filed 30 June 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 January 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 December 2007.

On 28 December 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a First Preliminary amendment, an Application Data Sheet and an Information Disclosure Statement.

On 28 May 2009, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 28 August 2009, applicant filed the response including an executed combined declaration and power of attorney accompanied by a petition for a one-month extension of time and payment of the appropriate petition fee. With the filing of the petition for a one-month extension of time and payment of the petition fee, the present response is considered timely filed.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Applicant filed two separate declarations one executed by co-inventor Sheena Janet Fraser and one executed by P.G. Lourens as executor to the estate of deceased co-inventor Winston Daniel Leukes. The declaration executed by P.G. Lourens as executor to the estate of deceased co-inventor Winston Daniel Leukes does not satisfy the requirements under 37 CFR 1.497(a)-(b). Specifically, the oath or declaration must provide the citizenship, residence, and mailing address of both the deceased inventor and the signing legal representative. The declaration provides only one citizenship. Since applicant has filed an application data sheet, the declaration must at a minimum provide the citizenship of the inventor and the citizenship, residence, and mailing address for the legal representative. (See 37 CFR 1.497(a)(3) and 37 CFR 1.497(b)(2)).

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
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UNITED STATES PATENT AND TRADEMARK OFFICE

01 FEB 2010

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In re Application of	:	
LEUKES, et al.	:	
Application No.: 11/922,977	:	
PCT No.: PCT/IB2006/052204	:	REQUEST FOR STATUS
Int. Filing Date: 30 June 2006	:	
Priority Date: 30 June 2005	:	UNDER 37 CFR 1.42
Attorney Docket No.: SFW-017US	:	
For: PRODUCTION OF RECOMBINANT PRODUCTS USING CAPILLARY MEMBRANES	:	

In a decision mailed by this Office on 15 September 2009, the declaration filed by applicant on behalf of deceased co-inventor Winston Daniel Leukes was dismissed for failure to provide a compliant oath or declaration under 37 CFR 1.497.

On 11 January 2010, applicant filed a response to the previous decision that was accompanied by a substitute declaration. The submitted declaration identifies the deceased co-inventor and states the deceased inventor's country of citizenship and residence, is signed by Mr. P.G. Lourens as "Executor for the Estate" states his relationship to the deceased (i.e., Executor), provides the Executor's country of citizenship and residency and lists both of the co-inventors on the application. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is **GRANTED**.

The application has an international filing date of 30 June 2006 under 35 U.S.C. 363 and will be given a date of **11 January 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

It is noted that the Form PCT/DO/EO/903 mailed 13 October 2009 is hereby **VACATED**.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

12 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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ANDREW J. CORNELIUS, P.C.
305 MT. LEBANON BOULEVARD, SUITE 205
PITTSBURGH PA 15234

In re Application of :
Thomas A. Fuller, et al. :
Application No.: 11/922,979 :
Filed: December 28, 2007 : DECISION ON PETITION
Attorney Docket No.: ARGENTU/P002FUS :
For: PROPHYLACTIC BACTERICIDAL IMPLANT :

This is a decision on the petition under 37 CFR 1.78(a)(3) filed February 06, 2009 to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to the prior-filed nonprovisional application set forth in the application data sheet filed concurrently with the instant petition.

The petition is GRANTED.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an application data sheet, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed 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 any Filing Receipt 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.

Any inquiries concerning this decision may be directed to Derek A. Putonen, Attorney Advisor, at (571) 272-3294.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

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25 JUN 2009

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of	:	
BADER	:	DECISION ON PETITION
Serial No.: 11/922,987	:	
PCT No.: PCT/SE2006/000789	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 28 June 2006	:	
Priority Date: 30 June 2005	:	
Atty Docket No.: 10400-000177/US/NPB	:	
For: A METHOD, SYSTEM, AND COMPUTER PROGRAM FOR DETERMINING IF A SUBJECT IS SNORING	:	

This decision is in response to the "Petition to Accept Application Under 37 C.F.R. §1.47(b)" filed 04 June 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 June 2006, applicant filed international application PCT/SE2006/000789 which claimed priority to an earlier application filed 30 June 2005. A copy of the international application was transmitted to the United States by the International Bureau (IB) on 11 January 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 December 2007.

On 28 December 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1). An executed oath or declaration as required by 35 U.S.C. 371 (c)(4) was not filed.

On 28 May 2009, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 12 January 2009, applicant responded with the present petition.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(h); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant has satisfied items (1), (3), and (6).

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature." Applicant has not shown that a *bona fide* attempt was made to present the application papers, including the specification, claims, and drawings to inventor Bader. It appears from the enclosed exhibits that the inventor was merely presented with a combined declaration and power of attorney; and an assignment document for execution. This is insufficient. Further, it is directly related to the reason given by the inventor's attorney as to why Mr. Bader has yet to sign the declaration. The inventor appears to be confused as to which invention the declaration is being directed to. The inventor is not refusing to sign the declaration in an attempt to gain additional compensation but rather the inventor is seeking guidance as to the prosecution of the patent application and confirmation as his rights under the cooperation agreement.

Regarding item (4), the submitted declaration fails to comply with 37 CFR 1.497(b) in that, 37 CFR 1.497(b)(2) states that in cases where the person making the oath or declaration is not the inventor, "[T]he oath or declaration shall state the relationship of the person to the inventor..." The present declaration does not contain such a statement. While, the petition states that the declaration is signed by Mr. Anders Palsson, "Chief Executive Office of Hilding Anders AB" the declaration itself merely presents Mr. Palsson as "CEO" without reference to the company and therefore the relationship to the non-signing inventor.

As to item (5), applicant has not provided proof of proprietary interest. MPEP 409.03(f) explains that in cases where an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b):

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

While the declaration of Mr. Jonsson states that the application was conceived of by Gaby Bader during the contract period of the cooperation agreement, the agreement is between Hilding Anders AB and Health Care International Consulting Badre AB (Gaby Badre). The application is being filed by Hilding Anders International AB. Mr. Jonsson states that pursuant to an internal Hilding Anders Group policy it is Hilding Anders International AB that should be the applicant. A copy of this policy has not been included. This also appears to be a point of concern for the inventor as referenced as item (5) in the letter of 05 September 2008.

Thus, applicant has not satisfied this item.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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05 NOV 2009

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Harness, Dickey & Pierce, P.L.C.
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Reston, VA 20195

In re Application of	:	
BADER	:	DECISION ON RENEWED
Serial No.: 11/922,987	:	
PCT No.: PCT/SE2006/000789	:	PETITION UNDER
Int. Filing Date: 28 June 2006	:	
Priority Date: 30 June 2005	:	37 CFR 1.47(b)
Atty Docket No.: 10400-000177/US/NPB	:	
For: A METHOD, SYSTEM, AND COMPUTER PROGRAM FOR DETERMINING IF A SUBJECT IS SNORING	:	

This decision is in response to the "Renewed Petition to Accept Application Under 37 C.F.R. § 1.47(b)" filed 23 September 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 25 June 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b) to proceed without the signature of inventor Gaby Bader. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR1.136(a).

On 23 September 2009, applicant filed the present renewed petition accompanied by a petition for a one-month extension of time and payment of the extension of time fee. The response is therefore considered timely filed.

DISCUSSION

As detailed in the decision mailed 25 June 2009, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1), (3) and (6).

With the filing of the present renewed petition and accompanying exhibits applicant has satisfied the remaining items listed above and it is proper to grant applicant's renewed petition.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application has an international filing date of 28 June 2006 under 35 U.S.C. 363, and will be given a date of **23 September 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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Mr. Gaby Bader
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SWEDEN

In re Application of
BADER
Serial No.: 11/922,987
PCT No.: PCT/SE2006/000789
Int. Filing Date: 28 June 2006
Priority Date: 30 June 2005
Atty Docket No.: 10400-000177/US/NPB
For: A METHOD, SYSTEM, AND COMPUTER PROGRAM FOR DETERMINING IF A SUBJECT IS SNORING

Dear Mr. Bader:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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