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LAW OFFICES OF LARRY K. ROBERTS, INC.  
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IRVINE, CA 92614

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NOV 30 2007

In re Application of  
**BAMBECK**, Robert J.  
Application No. 11/932,464  
Filed: October 31, 2007  
Attorney Docket No. **1936**

**OFFICE OF PETITIONS**  
DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 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 the statement of inventor Robert J. Bambeck, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Initial Patent Examination at 571-272-4000.

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

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

Monica A. Graves  
Petitions Examiner  
Office of Petitions



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/932,493 10/31/2007 Mark ZOLLER 67824.407433 2529

7590 12/03/2008
HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER
LANDSMAN, ROBERT S

ART UNIT PAPER NUMBER
1647

MAIL DATE DELIVERY MODE
12/03/2008 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 (handwritten signature)

Patent Publication Branch
Office of Data Management

Adjustment date: 12/04/2008 BPOWELL
04/15/2008 NTEKLEMI 00000024 500206 11932493
01 FC:2201 735.00 CR
02 FC:2202 4650.00 CR
03 FC:2203 185.00 CR

Adjustment Date: 12/04/2008 BPOWELL
10/31/2008 NTEKLEMI 00000028 500206 11932900
01 FC:2202 4650.00 CR
02 FC:2201 735.00 CR
03 FC:2203 185.00 CR

Adjustment Date: 12/04/2008 BPOWELL  
11/01/2007 INTEFSW 00004843 500206 11932493  
02 FC:2111 255.00 CR

Adjustment date: 12/04/2008 BPOWELL  
11/01/2007 INTEFSW 00004843 500206 11932493  
02 FC:2111 255.00 CR



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

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NOV 29 2007

**OFFICE OF PETITIONS**

In re Application of	:	
David M. Goldenberg	:	
Application No. 11/932,530	:	DECISION ON PETITION
Filed: October 31, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 358488	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 6, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

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

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



HOLLAND & HART LLP  
60 E. SOUTH TEMPLE  
SUITE 2000  
P.O. BOX 11583  
SALT LAKE CITY, UT 84110

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**MAY 13 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
James R. Johnson, et al.	:	
Application No. 11/932,531	:	DECISION ON PETITION
Filed: October 31, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 54509.0053	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 8, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of applicant James Johnson's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3738 for action on the merits commensurate with this decision.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/932,549 10/31/2007 Kang Woo Lee KSA-0131 2594

7590 07/14/2009
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

SPINELLA, KEVIN

ART UNIT PAPER NUMBER

2885

NOTIFICATION DATE DELIVERY MODE

07/14/2009

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature of Nomi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 07/13/2009 NFARMER
11/01/2007 INTEFSW 00005019 061130 11932549
02 FC:1111 510.00 CR



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 11/932,551, 10/31/2007, Sam Yang, 303.714US4, 2597
Row 2: 7590, 03/19/2008, SCHWEGMAN, LUNDBERG & WOESSNER/MICRON, P.O. BOX 2938, MINNEAPOLIS, MN 55402
Row 3: EXAMINER
Row 4: ART UNIT (2812), PAPER NUMBER
Row 5: MAIL DATE (03/19/2008), DELIVERY MODE (PAPER)

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

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

- 1. [X] The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. [ ] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [ ] The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. [ ] Petition fee was not paid.

The application has/will be published as scheduled.

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

Patent Publication Branch
Office of Data Management

03/31/2008 K KING1 00000001 190743 11932551
01 FC:1464 130.00 DA



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MAY 24 2010

OFFICE OF PETITIONS

YAHOO C/O MOFO PALO ALTO  
755 PAGE MILL ROAD  
PALO ALTO, CA 94304

In re Application of	:	
Karen A. Webber, et al.	:	
Application No. 11/932,562	:	DECISION ON PETITION
Filed: October 31, 2007	:	TO WITHDRAW
Attorney Docket No. 324212017900	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 24, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Morrison and Foerster has been revoked by the assignee of the patent application on April 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

  
 Terri Johnson  
 Petitions Examiner  
 Office of Petitions

cc: **YAHOO! INC.**  
**C/O GREENBERG TRAUIG, LLP**  
**MET LIFE BUILDING**  
**200 PARK AVENUE**  
**NEW YORK, NY 10166**



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**FRISHAUF, HOLTZ, GOODMAN & CHICK, PC**  
220 Fifth Avenue  
16TH Floor  
NEW YORK NY 10001-7708

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APR 29 2009

In re Application of	:	OFFICE OF PETITIONS
Yechiel Gotfried	:	
Application No. 11/932,665	:	DECISION ON PETITION
Filed: October 31, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 03398D/LH	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 17, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the attorney of record declaring that he is in possession of evidence showing that the inventor is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3775 for action on the merits commensurate with this decision.

*Terri Williams*  
Terri Williams  
Petitions Examiner  
Office of Petitions



J. NICHOLAS GROSS, ATTORNEY  
2030 ADDISON ST.  
SUITE 610  
BERKELEY CA 94704

**MAILED**

MAR 05 2009

OFFICE OF PETITIONS

In re Application of	:
Ian M. Bennett	:
Application No.: 11/932684	: DECISION
Filing or 371(c) Date: 10/31/2007	: DISMISSING
Title: NATURAL LANGUAGE SPEECH LATTICE	: PETITION
CONTAINING SEMANTIC VARIANTS	:

This is a decision on the correspondence entitled "WITHDRAWAL OF PETITION TO WAIVE ADDITIONAL PHYSICAL COPY REQUIREMENT FOR NONPATENT LITERATURE, filed electronically on January 27, 2009, ("the petition"), requesting withdrawal the petition seeking suspension of 37 CFR 1.98, filed October 21, 2009. The correspondence is properly treated as a petition under 37 CFR 1.182 (questions not specifically provided for).

For the reasons set forth herein, the petition is dismissed.

**THE PRESENT PETITION**

Petitioner files the present petition to withdraw a previously filed petition. A review of the petition reveals that petitioner has not submitted the petition fee, currently \$400.00. See, 37 CFR 1.17(f).

Petitioner is advised that before the merits of the petition may be considered, the petition fee must be submitted. The fee for a petition filed under 37 CFR 1.182 is currently \$400.00. Petitioner is further advised that the petition fee is not refundable. The applicable statute, 35 USC 42(d), authorizes the Director to refund "any fee paid by mistake or any amount paid in excess of that required." Thus, the Patent and Trademark Office (PTO) may refund: (1) a fee paid when no fee is required (*i.e.*, a fee paid by mistake), or (2) any fee paid in excess of the amount of the fee that is required. See Ex Parte Grady, 59 USPQ 276, 277 (Comm'r Pats. 1943)(the statutory authorization for the refund of fees is applicable only to a mistake relating to the fee payment). In the situation in which an applicant or patentee takes an action "by mistake" (e.g., files an application "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application) is not a "fee paid by mistake" within the meaning of 35 U.S.C. § 42(d).

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

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

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

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

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

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



J. NICHOLAS GROSS, ATTORNEY  
2030 ADDISON ST.  
SUITE 610  
BERKELEY CA 94704

**MAILED**

**MAR 16 2009**

**OFFICE OF PETITIONS**

In re Application of	:
Ian M. Bennett	:
Application No.: 11/932684	: DECISION
Filing or 371(c) Date: 10/31/2007	: DISMISSING
Title: NATURAL LANGUAGE SPEECH LATTICE	: PETITION
CONTAINING SEMANTIC VARIANTS	:

This is a decision on the “PETITION TO WAIVE ADDITIONAL PHYSICAL COPY REQUIREMENT FOR NONPATENT LITERATURE, filed electronically on October 22, 2008, (“the petition”), seeking suspension of 37 CFR 1.98 with respect to the submission of copies of non-patent literature cited in an Information Disclosure Statement (IDS), and requesting that the Office associate electronic versions of the references from the Image File Wrapper (IFW) of co-pending Application No. 10/684,357 (hereinafter “the ‘357 application”) with the present application. Petitioner alternatively requests that he be allowed to submit a Compact Disk (“CD”) containing electronic copies of the references in lieu of physical copies. The petition is properly treated under 37 C.F.R. § 1.183.

The petition fee of \$400.00 pursuant to 37 CFR 1.17(f) for the petition under 37 CFR 1.183 will be charged to petitioner’s Deposit Account No. 50-1244, pursuant to the authorization for payment of any fees due on page three (3) of the present petition.

For the reasons set forth herein, the petition is dismissed.

**THE PRESENT PETITION**

Petitioner files the present petition for waiver of the rule, and in support of the petition, petitioner notes that physical copies of the non-U.S. patent references cited in the IDS have been filed in the ‘357 application. Petitioner further notes that these non-U.S. patent references “are voluminous, – spanning an estimated 10,000 pages and requiring four separate banker boxes,” and that the applicant intends to file these references in more than 20 additional related applications.<sup>1</sup> As such, “[t]he cost and burden of copying and shipping such materials an additional 22 times would be extremely burdensome, and result in significant ecological waste and duplication of paper.” For these reasons, petitioner requests waiver of the copy requirement

<sup>1</sup> See petition at page 1.

of 37 CFR 1.98, in this case and 22 related cases<sup>2</sup>. Alternatively, petitioner requests that he be allowed to submit a CD containing electronic copies of the references in lieu of physical copies.

### **APPLICABLE LAW, RULES AND MPEP**

37 CFR 1.98(a)(2) provides that any IDS filed under § 1.97 shall include:

A legible copy of:

- (i) Each foreign patent;
- (ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office;
- (iii) For each cited pending unpublished U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and
- (iv) All other information or that portion which caused it to be listed.

37 CFR 1.183 states:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

### **DISCUSSION**

The instant petition has been fully considered. 37 CFR 1.98(a)(2) requires legible copies of certain documents listed on an IDS filed under 37 CFR 1.97 be submitted to the Office. Petitioner seeks waiver of this copy requirement for an IDS listing 158 references. The provisions of 37 CFR 1.98(a)(2) may be waived under 37 CFR 1.183 where a petitioner demonstrates an extraordinary situation in which justice requires suspension of the rule<sup>3</sup>.

As a general rule, waiver of a rule in the interest of justice is not available when there is recourse within the rules of practice. In this instance, petitioner requests waiver of the rules governing

<sup>2</sup> In view of rule 1.4(b), the present petition's request for waiver of rule 1.98 in 22 related cases is inappropriate. A separate petition is required in each application for which the requested relief is sought.

<sup>3</sup> It is noted that 37 CFR 1.4(b) requires that each application be complete in itself, and that a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical.

submission of documents to the Office based on the alleged burden of submitting to the Office physical copies of numerous references in multiple applications. In lieu of submitting to the Office physical copies of the references, however, petitioner may use the Office's Web-based electronic filing system (EFS-Web) to submit electronic copies of the references to the Office.<sup>4</sup> In this way, petitioner need only scan the references into an acceptable electronic format (e.g., Adobe Portable Document Format (PDF)) once, and can then submit the scanned references to the Office via EFS-Web in any number of applications.

Additionally, Office systems, as currently configured, do not have the capability of copying in bulk the estimated 10,000 pages of references from the IFW of the '357 application into the IFWs of other applications. Thus, if the Office were to grant petitioner's request to "associate" the references in the IFW of the '357 application with the present application, the logistics of insuring that each of the estimated 10,000 pages of references is properly identified from the IFW of the '357 application and included in the IFW of the present application would be shifted to the Office. Accuracy of the patent application's file should be paramount when determining who is better positioned to provide the required copies of references cited in an IDS. Clearly, petitioner has greater knowledge of the references cited in the IDS and is better able to address issues that may arise during introduction of the copies of the references into the application. For these reasons, petitioner is better positioned to supply the required copies of the IDS references in question, and therefore must comply with 37 CFR 1.98(a)(2).

Moreover, petitioner should note that the duty to disclose under 37 CFR 1.56 is limited to "information material to patentability" as defined in 37 CFR 1.56(b), which specifically excludes material which is "cumulative to information of record or being made of record." Petitioner appears to be submitting a bulk of information from litigation involving one or more co-owned patents merely on the basis that the patents being litigated "are alleged to be prior art by Defendants in an ongoing litigation cited in a Notice of Concurrent Proceedings filed previously in this case."<sup>5</sup> Petitioner is reminded of his duty under 37 CFR 11.18(b)(2) to review all the documents prior to their submission in order to ensure that the documents are proper for submission to the Office.<sup>6</sup>

Accordingly, for all of the reasons set forth above, petitioner has not presented facts that demonstrate an extraordinary situation in which justice requires suspension of 37 CFR 1.98(a)(2), or that submission of a CD containing electronic copies of the references in lieu of physical copies the references is an appropriate remedy, in view of Applicant's ability to file the references via the EFS.

The petition is dismissed.

<sup>4</sup> See *Manual of Patent Examining Procedure* § 609.07 (8th ed. 2001) (Rev. 7, July 2008) (providing that "[a]s of May of 2002 IDSs may be submitted to the Office via the EFS" and that "[a]s of January 2007, an e-IDS filed via EFS-Web may include citations of U.S. patents, U.S. patent application publications, foreign patent documents and non-patent literature (NPLs)").

<sup>5</sup> See petition at page 1.

<sup>6</sup> The provisions of § 11.18 were previously set forth in former § 10.18. See *Changes to Representation of Others Before the United States Patent and Trademark Office*, 73 FR 47650, 47653, 47689 (Aug. 14, 2008), 1334 *Off. Gaz. Pat. Office* 127, 133, 204 (Sept. 9, 2008) (final rule).

**CONCLUSION**

The petition is dismissed for the reasons set forth herein, and the application is being referred to Technology Center 2626 for continued examination in the normal course of business. Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232.

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



SONNENSCHN NATH & ROSENTHAL LLP  
P.O. BOX 061080  
SOUTH WACKER DRIVE STATION, SEARS TOWER  
CHICAGO IL 60606

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MAR 31 2008

In re Application of  
Larry A. Gilbertson  
Application No. 11/932,706  
Filed: October 31, 2007  
Attorney Docket No. MONS:157USD2

:  
: DECISION GRANTING  
: PETITION  
:

This is a decision on the filing date petition filed January 28, 2008, under 37 CFR 1.53(e)(2) and 37 CFR 1.57(a). The petition is treated under 37 CFR 1.53(e)(2).

The application was filed on October 31, 2007. However, on November 27, 2007 the Office of Initial Patent Examination mailed a Notice of Incomplete Application stating that the application had not been filed with drawings and thus, the application could not be accorded a filing date.

In response, the present petition was filed. Petitioner contends that the instant application, upon filing, properly claimed priority to application nos. 10/816,410, 09/801,261 and 09/521,557 and that the contents of the instant application including the drawings were incorporated by reference from the prior filed applications.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains ... a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under ... § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s). MPEP 201.17

Therefore, if an application, as originally filed on or after September 21, 2004, does not include an explicit incorporation by reference statement in the specification, and is entitled to a filing date despite the inadvertent omission of a portion of the prior filed application(s), an applicant may be permitted to add the omitted material by filing an amendment under 37 CFR 1.57(a) within the time period set by the Office. See 37 CFR 1.57(a)(1) and MPEP 201.06(c)(IV).

However, petitioner's attention is directed to MPEP 601.01(f), which provides that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

A review of the application confirms that as filed it contained at least one method claim. Pursuant to § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

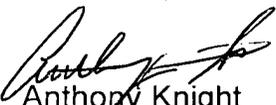
In view of the above, the instant petition is entitled to a filing date of October 31, 2007, although without drawings present in the application and to that extent, the petition is **GRANTED**.

The petition fee in the amount of \$400.00 will be refunded back to the credit card used.

This application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with a filing date of October 31, 2007, using the application papers received in the Office on that date and with an indication in Office records that the drawings, as described in the specification, while not included with the application papers upon filing, were a part of the original disclosure.

In light of the explicit incorporation by reference, petitioner may file a preliminary amendment, for review by the Examiner in due course, to add the drawings filed with the instant petition.

Telephone inquiries concerning this matter should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

  
Anthony Knight  
Supervisor  
Office of Petitions



KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK NY 10004

**COPY MAILED**

JUN 1 1 2009

**OFFICE OF PETITIONS**

In re Application of  
Yechiel Gotfried  
Application No. 11/932,719  
Filed: October 31, 2007  
Attorney Docket No. 03398C/LH

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 17, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a certification by the attorney of record. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK NY 10001-7708

MAILED

FEB 16 2010

OFFICE OF PETITIONS

In re Application of  
Yecheil Gottfried  
Application No. 11/932,719  
Filed: October 31, 2007  
Attorney Docket No. 03398C/LH

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

This is a corrected decision on the petition under 37 CFR 1.102(c)(1), filed March 17, 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) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

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

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

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 3775 for action on the merits commensurate with this decision.

JoAnne Burke  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

MAILED  
FROM DIRECTOR'S OFFICE

DEC 21 2007

TECHNOLOGY CENTER 3600

Burleson Cooke L.L.P.  
2040 North Loop 336 West  
Suite 123  
Conroe, TX 77304

In re application of  
Claude E. Cooke, JR.  
Application No. 11/932,729  
Filed: October 31, 2007  
For: APPLICATIONS OF DEGRADABLE  
POLYMERS FOR DELAYED  
MECHANICAL CHANGES IN WELLS

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

This is a decision on the petition filed on October 31, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview;
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;
  - 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:
- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
  - 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
  - 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
  - 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
  - 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35,

United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

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

#### REVIEW OF FACTS

The petition fails to comply with conditions II.5.2, II.6.2, II.6.3 and II.6.5 above.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. With respect to the classification search, in addition to the areas already searched, the search needs to include a search of 166/179, 317, 376 and 387.

With respect to the text search of the US Patents database, the search logic in the petition appears to lack the incorporation of terms that would constitute "the broadest reasonable interpretation" of the claimed subject matter as is required. The text search appears to be too narrow to encompass the broadest reasonable interpretation of the claimed invention. The USPTO website has an example of the proper manner of performing and documenting a preexamination search for Accelerated Examination petitions at:

<http://www.uspto.gov/web/patents/accelerated/>. Furthermore, a sample of search logic to be used in this application is provided below:

- L1 cooke.in.
- L2 degrad\$4 with polymer
- L3 degrad\$4 with polymer and (PLA PHA polylactic adj acid)
- L4 degrad\$4 with polymer and (packer plug retainer nipple plug)

This sample search logic is not meant to be the sole search logic that can or should be employed in this application, but is meant solely as an example of a starting off point for applicant's assistance. The foreign patent file databases searched are adequate, however the same text logic deficiency as outlined above appears to be present.

As to condition II.6.2, there currently is not an adequate explanation specifying where each of the limitations (or portions thereof) are disclosed in each of the references. An explanation of the references is not sufficient to meet the above condition. Applicant has only addressed claims 1, 7 and 12. Each reference must be analyzed to indicate whether or not each limitation of each claim is taught by the references.

As to condition II.6.3, there is not a satisfactory detailed explanation of claim patentability over each of the references. The explanation needs to specify how each of the claims are patentable over each of the cited references, which includes the need to specify whether each of the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. Also, when explaining that a limitation is not taught by the prior

art it should be made clear which specific portion of the limitation is not taught or make it clear that no part of the limitation is taught by any of the references.

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

As to condition to II.6.5, the showing of where each limitation of each of the claims finds support under 35 USC 112 in the written description of the application is insufficient. For each claimed limitation (including dependent claims) the petition needs to identify specific passages, or at least a single paragraph where each limitation is supported in both the instant application and the parent application. Specifically, for provisional application 60/470738, a listing of where the limitations of the claims find support is necessary.

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

#### DECISION

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

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

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

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.



---

Teri P. Luu  
Quality Assurance Specialist  
Technology Center 3600



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Claude E. Cooke

Application No. 11932729

Filed: October 31, 2007

Attorney Docket No. 03.1001.10

:  
:

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

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) filed 04-AUG-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

Telephone 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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DEC 04 2007

TECHNOLOGY CENTER 3600

IP GROUP OF DLA PIPER US LLP  
ONE LIBERTY PLACE  
1650 MARKET ST, SUITE 4900  
PHILADELPHIA PA 19103

In re application of : **DECISION ON PETITION**  
Tupper et al. : **TO MAKE SPECIAL FOR**  
Application No. 11/932,747 : **NEW APPLICATION**  
Filed: October 31, 2007 : **UNDER 37 CFR 1.102**  
For: ELECTRONIC TRADING CONFIRMATION SYSTEM

This is a decision on the petition filed on October 31, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

#### REGULATION AND PRACTICE

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

##### I. Conditions Regarding the Application:

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

##### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

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

## REVIEW OF FACTS

The petition in this case fails to comply with condition I.3.

Condition I.3 requires that, at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. As per the Notice To File Corrected Application Papers mailed to Applicant on November 13, 2007, the drawings were not in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) at the time of filing.

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure. Given that the application was incomplete at the time of filing, which cannot be remedied after the date of filing, the petition has not been further reviewed on the merits.

## DECISION

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

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



Robert A. Weinhardt,  
Business Practice Specialist  
Technology Center 3600

RW/SMD/11/21/07



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United States Patent and Trademark Office
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www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/932,760 10/31/2007 Eun Joo JANG PHO-0094 2861

7590 07/24/2009
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
HAIDER, SAIRA BANO

ART UNIT 1796
PAPER NUMBER

NOTIFICATION DATE 07/24/2009
DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature: Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment Date: 07/23/2009 BPOWELL
11/01/2007 INTFSA 00005585 061130 11932760
02 FC:1111 510.00 CR
04 FC:1202 230.00 CR

Adjustment date: 07/23/2009 BPOWELL
11/01/2007 INTFSA 00005585 061130 11932760
02 FC:1111 510.00 CR
04 FC:1202 230.00 CR



J. NICHOLAS GROSS, ATTORNEY  
2030 ADDISON ST.  
SUITE 610  
BERKELEY, CA 94704

**COPY MAILED**

MAY 01 2009

**OFFICE OF PETITIONS**

Applicant: Ian M. Bennett  
Application No.: 11/932,773  
Filed: October 31, 2007  
Title: STATISTICAL LANGUAGE MODEL TRAINED  
WITH SEMANTIC VARIANTS

: DECISION  
: GRANTING  
: AND  
: DISMISSING  
: PETITIONS

This is a decision on the following petitions entitled, (1) "PETITION TO WAIVE ADDITIONAL PHYSICAL COPY REQUIREMENT FOR NON-PATENT LITERATURE," filed October 22, 2008, and (2) "WITHDRAWAL OF PETITION TO WAIVE ADDITIONAL PHYSICAL COPY REQUIREMENT FOR NON-PATENT LITERATURE," filed January 27, 2009, requesting that the October 22, 2008 petition be withdrawn.

A review of the record in the instant application indicates that the Office has not yet begun a review of the initial October 22, 2008 petition. Accordingly, based on the facts and circumstances in this case, the January 27, 2009 petition is **granted** to the extent that the October 22, 2008 petition is **dismissed as moot**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition. See 35 U.S.C. § 41(a)(7). The October 22, 2008 petition is treated as a petition under 37 CFR 1.183 for waiver of 37 CFR 1.98(a). Pursuant to 37 CFR 1.17(f), the required fee for the petition under 37 CFR 1.183 is \$400. The fee transmittal form that accompanied the October 22, 2008 petition indicated the incorrect petition fee of \$130. Accordingly, the \$130 fee paid on October 23, 2008 is being refunded to petitioner's Deposit Account (501-244) and, as authorized on page 3 of the October 22, 2008 petition, the required \$400 fee for the petition under 37 CFR 1.183 will be charged to petitioner's Deposit Account (501-244).

The application is being forwarded to Technology Center 2600 for further processing. Telephone inquiries regarding this communication should be directed to Nicole Dretar, Legal Advisor, at (571) 272-7717.

Brian Hanlon  
Deputy Director  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/932,806 10/31/2007 Carolyn M. Dry 15345.1USC9 2912

7590 06/04/2009
IPLM GROUP, P.A.
POST OFFICE BOX 18455
MINNEAPOLIS, MN 55418

EXAMINER

NERANGIS, VICKEY MARIE

ART UNIT PAPER NUMBER

1796

MAIL DATE DELIVERY MODE

06/04/2009

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment Date: 06/05/2009 BPOWELL
11/01/2007 INTEFSW 00005690 132725 11932006
02 FC:2111 255.00 CR
04 FC:2202 100.00 CR
05 FC:2201 105.00 CR

Adjustment date: 06/05/2009 BPOWELL
11/01/2007 INTEFSW 00005690 132725 11932006
02 FC:2111 255.00 CR
04 FC:2202 100.00 CR
05 FC:2201 105.00 CR



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

Mail Date: 06/18/2010

**Applicant** : Dale R. Adams : DECISION ON REQUEST FOR  
**Patent Number** : 7633559 : RECALCULATION of PATENT  
**Issue Date** : 12/15/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/932,808 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 10/31/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **219** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/932,836	10/31/2007	CAROLYN M. DRY	15345.1USC10	2949
7590 06/04/2009		EXAMINER		
IPLM GROUP, P.A. POST OFFICE BOX 18455 MINNEAPOLIS, MN 55418		KOONTZ, TAMMY J		
		ART UNIT	PAPER NUMBER	
		3974		
		MAIL DATE	DELIVERY MODE	
		06/04/2009	PAPER	

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

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

The petition is granted.

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

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

*Betty Powell*

Patent Publication Branch  
Office of Data Management

adjustment Date: 06/05/2009 BPOWELL  
11/23/2007 RGDITC 0000029 132725 11932836  
01 FC:2201 105.00 CR

adjustment date: 06/05/2009 BPOWELL  
11/23/2007 RGDITC 0000029 132725 11932836  
01 FC:2201 105.00 CR

Adjustment Date: 06/05/2009 BPOWELL  
11/01/2007 INTEFSW 00005766 132725 11932836  
02 FC:2111 255.00 CR  
04 FC:2202 125.00 CR

Adjustment date: 06/05/2009 BPOWELL  
11/01/2007 INTEFSW 00005766 132725 11932836  
02 FC:2111 255.00 CR  
04 FC:2202 125.00 CR



Joseph V. Tassone, Esq.  
c/o Dayco Products, LLC  
1 Prestige Place  
Miamisburg, OH 45342

MAILED

JUL 21 2009

In re Application of	:	OFFICE OF PETITIONS
Yungwei Chen et al.	:	
Application No. 11/932,838	:	DECISION ON PETITION
Filed: October 31, 2007	:	TO WITHDRAW
Attorney Docket No. 07-05	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 22, 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 Joseph V. Tassone and all attorneys/agents of record has been revoked by the assignee of the patent application on July 1, 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*  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Dinsmore & Shohl, LLP  
1900 Chemed Center  
255 East Fifth Street  
Cincinnati, OH 45202



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United States Patent and Trademark Office  
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Joseph W. Price  
SNELL & WILMER L.L.P.  
600 Anton Boulevard, Suite 1400  
Costa Mesa, CA 92626

Mail Date: 04/21/2010

<b>Applicant</b>	: Minoru Enomoto	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7666076	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/932,840	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 10/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **94** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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REMENICK PLLC  
1025 THOMAS JEFFERSON STREET, NW  
WASHINGTON, DC 20007

MAILED

JUN 18 2010

OFFICE OF PETITIONS

In re Application of.	:	
Evans et al.	:	
Application No. 11/932,848	:	NOTICE
Filed: October 31, 2007	:	
Attorney Docket No. 8116.003.USCN02	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

The patent file will be forwarded to the Files Repository.



Alicia Kelley  
Petitions Examiner  
Office of Petitions



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**WINSTON & STRAW LLP**  
Patent Department  
1700 K Street, N.W.  
Washington, DC 20006

**COPY MAILED**  
JAN 14 2010

In re Application of :  
P. Alexander Derchak, et al. :  
Application No. 11/932,866 : **DECISION ON PETITION**  
Filed: October 31, 2007 : **TO WITHDRAW**  
Attorney Docket No. 85167-24399 : **FROM RECORD**  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 11, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Winston & Straw LLP has been revoked by the assignee of the patent application on December 11, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **Francis Law Group**  
**1942 Embarcadero**  
**Oakland, CA 94606**



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REMENICK PLLC  
1025 THOMAS JEFFERSON STREET, NW  
WASHINGTON, DC 20007

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JUN 18 2010

OFFICE OF PETITIONS

In re-Application of. :  
Jon C. Evans :  
Application No. 11/932,898 : NOTICE  
Filed: October 31, 2007 :  
Attorney Docket No. 8116.003.USCN01 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

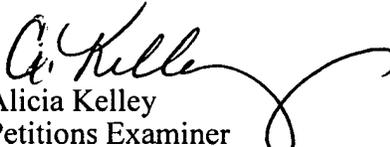
The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

The patent file will be forwarded to the Files Repository.

  
Alicia Kelley  
Petitions Examiner  
Office of Petitions



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/932,932 10/31/2007 Joo-Hyung LEE PNK-0472 3062

7590 05/14/2009
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

HJERPE, RICHARD A

ART UNIT PAPER NUMBER

2629

NOTIFICATION DATE DELIVERY MODE

05/14/2009

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer
Patent Publication Branch
Office of Data Management

Adjustment date: 05/13/2009 NFARMER
11/01/2007 INTEFSW 00006064 061130 11932932
02 FC:1111 510.00 CR



LEONA L. LAUDER  
235 MONTGOMERY STREET, SUITE 1026  
SAN FRANCISCO CA 94104-0332

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NOV 18 2008

**OFFICE OF PETITIONS**

In re Application of :  
Zavada, et al. :  
Application No.: 11/932,944 : DECISION  
Filing Date: 31 October, 2007 :  
Attorney Docket No. MST-2347.3B :

This is a decision on the petition filed on 23 April, 2008, under 37 C.F.R. §1.47.

The petition under 37 C.F.R. §1.47 is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

**BACKGROUND**

The instant application was filed on 31 October 2007, without a fully executed oath/declaration—i.e., while co-inventors Zavada, Pastorekova, and Pastorek have executed the oath/declaration, co-inventors Adrian L. Harris (Mr. Harris) and Peter J. Ratcliffe (Mr. Ratcliffe) have not. However, Petitioner notes and Office records reflect that the instant application is a continuation of prior-filed Application No. 11/356,568, which is a continuation of prior-filed Application No. 10/319,003.

The Office mailed a Notice of Missing Parts regarding, *inter alia*, a fully executed oath/declaration, on 25 February, 2008.

Petitioner filed the instant petition with fee on 23 April, 2008.

Petitioner demonstrates that following a 31 July, 2002, petition under 37 C.F.R. §1.47 in Application No. 10/319,003, Rule 47 Status was granted on 8 October, 2003—and Petitioner so

demonstrates by presenting a copy of the petition filed and the decision mailed, respectively on those dates.

### APPLICABLE LAW AND GUIDANCE

The regulations as 37 C.F.R. §1.63(d)(3) provides:

\*\*\*

(3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:

(i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and

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

\*\*\*

The guidance in the Commentary at MPEP §201(c)(II) states in pertinent part:

\*\*\*

37 C.F.R. §1.63(d) provides that a newly executed oath or declaration is not required in a continuation or divisional application filed by all or by fewer than all of the inventors named in a prior nonprovisional application containing a signed oath or declaration as required by 37 C.F.R. §1.63(d), provided that a copy of the signed oath or declaration filed in the prior application is submitted for the continuation or divisional application and the specification and drawings filed in the continuation or divisional application do not contain any subject matter that would have been new matter in the prior application. The copy of the oath or declaration must show the signature of the inventor(s) or contain an indication thereon that the oath or declaration was signed (e.g., the notation “/s/” on the line provided for the signature). >If the copy of the signed oath or declaration from the prior application included a power of attorney, the power of attorney in the copy of the signed oath or declaration from the prior application would carry over to the continuation or divisional application. If the power of attorney was changed during the prosecution of the prior application, see subsection VII below.

It is not necessary to have the inventor sign a new oath or declaration merely to include a reference to the duty of disclosure if the parent application was filed prior to January 1, 1978, to indicate that the inventor has reviewed and understands the contents of the application if the parent application was filed prior to October 1, 1983, or to indicate the inventor's post office address if the parent application was filed prior to December 1, 1997, and the inventor's mailing or post office address is identified elsewhere in the application.

\*\*\*

In concert with the foregoing, therefore, the above-identified application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47. This application is hereby accorded Rule 1.47 status.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **granted**.

This Office will not forward Notice of this applications filing to the non-signing inventors at the addresses given in the petition, and Notice of the filing of this application will not be repeated in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) for further processing in due course.

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No.: 11/932,944

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, DELIVERY MODE. Includes details for application 11/932,949 filed 10/31/2007 by Mark Zoller, examiner Robert S. Landsman, art unit 1647, mailed 12/03/2008.

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.

Handwritten signature of Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 12/04/2008 BPOWELL
11/01/2007 INTEFSW 00006068 500206 11932949
02 FC:2111 255.00 CR

Adjustment Date: 12/04/2008 BPOWELL
04/15/2008 MTEKLEMI 00000004 500206 11932989
01 FC:2201 735.00 CR
02 FC:2202 4650.00 CR
03 FC:2203 185.00 CR

Adjustment date: 12/04/2008 BPOWELL  
04/10/2008 NTEKLEH 00000005 500206 11932949  
01 FC:2201 735.00 CR  
02 FC:2202 4650.00 CR  
03 FC:2203 185.00 CR

Adjustment Date: 12/04/2008 BPOWELL  
11/01/2007 INTEFSW 00006060 500206 11932949  
02 FC:2111 255.00 CR



MacPherson, Kwok, Chen & Heid, LLP  
2033 Gateway Place  
Suite 400  
San Jose, CA 95110

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**JUN 09 2008**

In re Application of	:	
Yolin Lih et al.	:	
Application No. 11/932,967	:	DECISION ON PETITION
Filed: October 31, 2007	:	TO WITHDRAW
Attorney Docket No. M-17114 US	:	FROM RECORD
	:	

This is a decision on the request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed April 29, 2008.

The request is **APPROVED**.

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

The request was signed by Edward C. Kwok on behalf of all attorneys/agents associated with customer number 32605. All attorneys/agents associated with customer number 32605 have been withdrawn.

The request to change the correspondence of record was been filed and is made of record.

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

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

*Kimberly Inabinet*  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Brooks, Kushman, P.C./Sun/Stk  
1000 Town Center, Twenty-Second Floor  
Southfield, MI 48075-1238



SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington DC 20037

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**JAN 06 2010**

In re Application of	:	
Malobrodsky et al.	:	DECISION ON PETITION
Application No. 11/932,979	:	TO WITHDRAW
Filed: October 31, 2007	:	FROM RECORD
Attorney Docket No. CA1693	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed November 18, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on November 18, 2009 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or 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.

Petitioner has not complied with any of the items of the above certifications. It is suggested that petitioner submit a properly completed PTO/SB/83 (effective date May 12, 2008), which provides a section wherein practitioners may certify the completion of the above-listed activities necessary for the request to withdraw from representation to be granted.

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

The request was signed by Brian W. Hannon on behalf of all attorneys of record associated with Customer Numbers 23373 and 23493. The request cannot be approved since all practitioners of record were not appointed by Customer Numbers 23373 and 23493. Accordingly, since the practitioners were appointed by a single Customer Number upon filing of the instant application, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

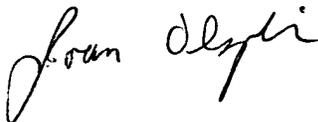
Additionally, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current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

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

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

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

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



Joan Olszewski  
Petitions Examiner  
Office of Petitions



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/932,989 10/31/2007 Mark Zoller 67824.407434 3132

7590 12/03/2008
HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER

LANDSMAN, ROBERT S

ART UNIT PAPER NUMBER

1647

MAIL DATE DELIVERY MODE

12/03/2008

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.

Handwritten signature of Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment Date: 12/04/2008 BPOWELL
11/01/2007 INTEFSW 00006186 500206 11932989
02 FC:2111 255.00 CR

Adjustment Date: 12/04/2008 BPOWELL
04/15/2008 MTEKLEMI 00000024 500206 11932493
01 FC:2201 735.00 CR
02 FC:2202 4650.00 CR
03 FC:2203 185.00 CR

Adjustment date: 12/04/2008 BPOWELL  
04/15/2008 MTEKLEMI 00000004 500206  
01 FC:2201 735.00 CR  
02 FC:2202 4650.00 CR  
03 FC:2203 185.00 CR

Adjustment date: 12/04/2008 BPOWELL  
11/01/2007 INTFSW 00006106 500206 11932989  
02 FC:2111 255.00 CR



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WOLF GREENFIELD & SACKS, P.C.  
600 ATLANTIC AVENUE  
BOSTON, MA 02210-2206

Mail Date: 04/21/2010

**Applicant** : Sabine Deligne : DECISION ON REQUEST FOR  
**Patent Number** : 7664637 : RECALCULATION of PATENT  
**Issue Date** : 02/16/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/932,996 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 10/31/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **120** 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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 11/933,012, 10/31/2007, Kyong-Tae PARK, PNK-0488, 3157
Row 2: 7590, 05/14/2009, CANTOR COLBURN, LLP, 20 Church Street, 22nd Floor, Hartford, CT 06103
Row 3: EXAMINER HJERPE, RICHARD A
Row 4: ART UNIT 2629, PAPER NUMBER
Row 5: NOTIFICATION DATE 05/14/2009, DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature of Mimi Saimes
Patent Publication Branch
Office of Data Management

Adjustment date: 05/13/2009 NEARER
11/01/2007 INTEFSW 00006219 061130 11933012
02 FC:1111 510.00 CR



MAILED  
FROM DIRECTOR'S OFFICE

IP GROUP OF DLA PIPER US LLP  
ONE LIBERTY PLACE  
1650 MARKET STREET, SUITE 4900  
PHILADELPHIA, PA 19103

NOV 27 2007

TECHNOLOGY CENTER 3600

In re application of: : **DECISION ON PETITION**  
R. J. CUMMINGS et al. : **TO MAKE SPECIAL FOR**  
Application No. 11/933016 : **NEW APPLICATION**  
Filed: October 31, 2007 : **UNDER 37 CFR 1.102 f**  
FOR: SYSTEM FOR SETTLING OVER THE COUNTER TRADES

This is a decision on the petition filed on October 31, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

## REGULATION AND PRACTICE

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

### I. Conditions Regarding the Application:

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

### II. Conditions Regarding the Petition:

- The petition must:
1. be filed with the application;
  2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
  3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

## REVIEW OF FACTS

The petition in this case fails to comply with condition I.3 above.

Because the application was filed with drawings that were not in compliance with rule 1.63, the application is considered to be incomplete under 37 1.51 because the application was not in condition to be acted upon at the time the application was filed, as evidenced by the "Notice to File Corrected Application Papers" for missing oath or declaration dated November 13, 2007.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure. Given the above failure of filing a complete application, which cannot now be remedied, the petition has not been further reviewed on the merits.

## DECISION

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn. Further petitions for accelerated examination in this application will not be entertained.

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



Robert A. Weinhardt,  
Business Practice Specialist  
Technology Center 3600

RW/jm11/27/07



**ORRICK, HERRINGTON & SUTCLIFFE, LLP**  
**IP PROSECUTION DEPARTMENT**  
**4 PARK PLAZA, SUITE 1600**  
**IRVINE CA 92614-2558**

**COPY MAILED**

**JAN 29 2008**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
<b>CUMMING, J. Stuart</b>	:	
Application No. 11/933,045	:	<b>DECISION ON PETITION</b>
Filed: October 31, 2007	:	<b>TO MAKE SPECIAL UNDER</b>
Attorney Docket No. <b>13533.4086</b>	:	<b>37 CFR 1.102(c)(1)</b>
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 28, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the declaration of inventor J. Stuart Cumming, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

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

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

  
Monica A. Graves  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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APR 20 2010

**OFFICE OF PETITIONS**

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

In re Application of :  
Leslie E. Oliver et al. :  
Application No. 11/933,053 : **DECISION ON PETITION**  
Filed: October 31, 2007 :  
Attorney Docket No. 253-26 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 6, 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 March 6, 2009, which set a shortened statutory period for reply of three (3) months: No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 7, 2009. A Notice of Abandonment was mailed on September 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,110 extension of time fee submitted with the petition on January 6, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

This application is being referred to Technology Center AU 2821 for appropriate action by the Examiner in the normal course of business on the reply received January 6, 2010.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/933,053	10/31/2007	Leslie E. Oliver	102863.59437US (P008)

**CONFIRMATION NO. 3206**

**POA ACCEPTANCE LETTER**

23869  
HOFFMANN & BARON, LLP  
6900 JERICHO TURNPIKE  
SYOSSET, NY 11791



Date Mailed: 04/13/2010

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 01/06/2010.

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

/kainabinet/

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



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ORRICK, HERRINGTON & SUTCLIFFE, LLP  
IP PROSECUTION DEPARTMENT  
4 PARK PLAZA  
SUITE 1600  
IRVINE CA 92614-2558

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**MAY 15 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
J. Stuart Cumming	:	
Application No. 11/933,090	:	DECISION ON PETITION
Filed: October 31, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 13533.4082	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 4, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3738 to action on the merits commensurate with this decision.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



**Orrick, Herrington & Sutcliffe, LLP**  
**IP Prosecution Department**  
**4 Park Plaza**  
**Suite 1600**  
**Irvine, CA 92614-2558**

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**FEB 26 2008**

In re Application of	:	
J. Stuart Cumming	:	
Application No. 11/933,117	:	DECISION ON PETITION
Filed: October 31, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 13533.4081	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 24, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a declaration from applicant J. Stuart Cumming. Accordingly, the above-identified application has been accorded "special" status.

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

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

Upon completion of the pre-examination processing by the Office of Initial Patent Examining, this application will be referred to Technology Center Art Unit 3738 for action on the merits commensurate with this decision.

*Kimberly Inabinet*  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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**OFFICE OF PETITIONS**

YAHOO C/O MOFO PALO ALTO  
755 PAGE MILL ROAD  
PALO ALTO, CA 94304

In re Application of  
Farzad Nazem, et al.  
Application No. 11/933,135  
Filed: October 31, 2007  
Attorney Docket No. 324212009104

:  
:  
:  
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:

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 22, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Yahoo C/O MOFO Palo Alto has been revoked by the assignee of the patent application on April 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: YAHOO! INC  
701 FIRST AVENUE  
SUNNYVALE, CA 94089

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

<b>PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)</b>					
<b>Application Information</b>					
Application Number	11/933,140	Confirmation Number	3304	Filing Date	2007-10-31
Attorney Docket Number (optional)	7315.3002.003	Art Unit	TBD	Examiner	TBD
First Named Inventor	Morrison				
Title of Invention	Toilet Tank Plumbing Fixture Assembly				
<p><b>Attention: Office of Petitions</b>            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).</p> <p>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.</p> <p>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.</p>					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Robert	P.	Morrison			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/Steven B. Walmsley #48021/		Date (YYYY-MM-DD)	2008-04-25	
Name	Steven Benjamin Walmsley		Registration Number	48021	

## 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 Freedom 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 individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of  
Robert P. Morrison

Application No. 11933140

Filed: October 31, 2007

Attorney Docket No. 7315.3002.003

:  
:

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) filed 25-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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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

Mail Date: 07/15/2010

**Applicant** : George Youzhi Yi : DECISION ON REQUEST FOR  
**Patent Number** : 7653283 : RECALCULATION of PATENT  
**Issue Date** : 01/26/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/933,142 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 10/31/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **28** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/933,146	10/31/2007	Moon Chul Park	AB-2459 US	3310

7590 04/10/2009  
Haynes and Boone, LLP  
IP Section  
2323 Victory Avenue  
SUITE 700  
Dallas, TX 75219

EXAMINER

HJERPE, RICHARD A

ART UNIT PAPER NUMBER

2629

MAIL DATE DELIVERY MODE

04/10/2009

PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

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

The petition is granted.

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

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

Patent Publication Branch  
Office of Data Management

Adjustment date: 04/10/2009 NFAARMER  
11/01/2007 INTEFSW 00006552 502257 11933146  
02 FC:1111 510.00 CR



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LATHROP & GAGE LLP  
4845 PEARL EAST CIRCLE  
SUITE 201  
BOULDER CO 80301

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**OFFICE OF PETITIONS**

In re Application of :  
Victor Petrenko et al. :  
Application No. 11/933,160 :  
Filed: October 31, 2007 :  
Attorney Docket No. 470927 :

NOTICE

This is a notice regarding your request filed September 9, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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PATREA L. PABST  
PABST PATENT GROUP LLP  
400 COLONY SQUARE, SUITE 1200  
1201 PEACHTREE STREET  
ATLANTA GA 30361

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NOV 21 2008

**OFFICE OF PETITIONS**

In re Application of :  
Saul Tzipori et al. : DECISION ON PETITION  
Application No. 11/933,166 :  
Filed: October 31, 2007 :  
Attorney Docket No. TUF 101 CIP (2) :

This decision is in response to the request under 37 CFR 1.48 (f)(1), filed June 13, 2008.

The request is **DISMISSED as MOOT**.

In response to a Notice to file Missing Parts (Notice) mailed January 30, 2008, applicants filed a declaration on March 28, 2008. However, that declaration did not include the signature of one of the inventors – Ramaswamy Balakrishnan. In response to Notice of Incomplete reply mailed by the Office on June 3, 2008, applicants filed the instant request declaring “Ramaswamy Balakrishnan is not an inventor of the invention claimed in this application.” However, the declaration filed October 22, 2008, lists Ramaswamy Balakrishnan as an inventor and the declaration includes the signature of Ramaswamy Balakrishnan. In view of this signed declaration, the instant request stands **DISMISSED as MOOT**.

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

Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



**PATREA L. PABST  
PABST PATENT GROUP LLP  
400 COLONY SQUARE, SUITE 1200  
1201 PEACHTREE STREET  
ATLANTA GA 30361**

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NOV 24 2008**

In re Application of :  
Saul TZIORI et al. :  
Application No. 11/933,166 : **DECISION ON PETITION**  
Filed: October 31, 2007 :  
Attorney Docket No. **TUF 101 CIP (2)** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 22, 2008, to revive the above-identified application.

The petition is **GRANTED**.

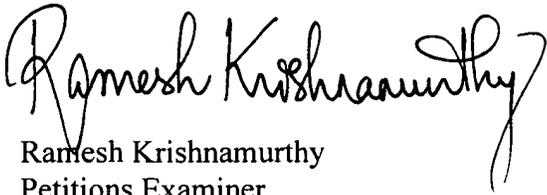
The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed January 30, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. A three-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 01, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of drawings, an oath or declaration and the required fees, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay.

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

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

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

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is written in a cursive style with a large initial 'R' and a long, sweeping tail.

Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Saul Tzipori and Arthur Donohue-Rolfe  
Serial No.: 11/933,166 Group Art Unit:  
Filed: October 31, 2007 Examiner:  
For: *HUMAN NEUTRALIZING ANTIBODIES AGAINST HEMOLYTIC  
UREMIC SYNDROME*

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

**PETITION UNDER 37 C.F.R. § 1.137(b) FOR REVIVAL OF AN  
APPLICATION FOR PATENT UNINTENTIONALLY ABANDONED**

Sir:

Applicants hereby petition for revival of the above referenced application. This petition is being filed with a Response to the Notice to File Missing Parts mailed on January 30, 2008 the fully-executed Declaration Under 37 CFR § 1.63, and an authorization for the Commissioner to charge the appropriate fee for this petition under 37 C.F.R. § 1.17(m) to Deposit Account No. 50-3129. The above-identified application became abandoned on October 14, 2007, for failure to file a fully-executed Declaration.

The delay in filing the fully-executed Declaration was unintentional and without deceptive intent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,

/Charles Vorndran/  
Charles Vorndran, Ph.D.  
Reg. No. 45,315

Date: October 22, 2008

PABST PATENT GROUP LLP  
400 Colony Square, Suite 1200  
1201 Peachtree Street  
Atlanta, Georgia 30361  
(404) 879-2153  
(404) 879-2160 (Facsimile)



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/933,189 10/31/2007 Lee A. BARFORD 10060576-01 3358

7590 12/09/2009
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER
SIVANESAN, SIVALINGAM

ART UNIT 2121 PAPER NUMBER

NOTIFICATION DATE 12/09/2009 DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

Faint mirrored text at the bottom of the page, likely bleed-through from the reverse side.



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IFAY F. CHANG  
3 LOUIS DRIVE  
KATONAH NY 10536

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**MAR 23 2009**

In re Application of : **OFFICE OF PETITIONS**  
Chang :  
Application No. 11/933,207 : **DECISION ON PETITION**  
Filed: October 31, 2007 :  
Attorney Docket No. 906-009R1 :

This is a decision on the petition renewed under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned April 1, 2008 for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed January 31, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed October 10, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply to the Notice, (2) the required petition fee, and (3) a proper statement of unintentional delay.

The 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 the undersigned at 571-272-3205.

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

*/ALESIA M. BROWN/*

Alesia M. Brown  
Petitions Attorney  
Office of Petitions

CC: Rodney T. Hodgson  
822 Pinesbridge Road  
Ossining, NY 10562



Townsend and Townsend and Crew, LLP  
Two Embarcadero Center  
Eighth Floor  
San Francisco, CA 94111-3834

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APR 02 2009

**OFFICE OF PETITIONS**

In re Application of :  
Stephen L. Bolea et al. :  
Application No. 11/933,209 : **DECISION ON**  
Filed: October 31, 2007 : **PETITION TO WITHDRAW**  
Attorney Docket No. 021433-000450US : **FROM RECORD**

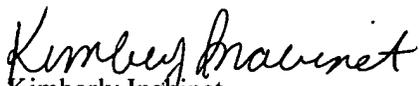
This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that James M. Heslin and all attorneys/agents associated with customer number 20350: (1) do not have power of attorney in this patent application; and (2) have been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Patterson, Thuente, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis, MN 55402-2100



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

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**MAY 06 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>KIEVAL, Robert S. et al.</b>	:	
Application No. 11/933,218	:	DECISION ON PETITION
Filed: October 31, 2007	:	TO WITHDRAW
Attorney Docket No. 021433-000156US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2009.

The request is **APPROVED**.

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

The request was signed by James M. Heslin on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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



Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **ROBERT S. KIEVAL**  
**850 FOXBERRY CIRCLE**  
**MEDINA, MN 55340**

cc: **PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.**  
**4800 IDS CENTER**  
**80 SOUTH 8TH STREET**  
**MINNEAPOLIS, MN 55402-2100**



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

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MAR 19 2009

In re Application of  
Stephen L. BOLEA, et al  
Application No. 11/933,221  
Filed: October 31, 2007  
Attorney Docket No. 021433-000451US

OFFICE OF PETITIONS

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed February 12, 2009.

The request is **NOT APPROVED**.

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

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

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

Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: PATTERSON, THUENTE, SKAAR  
CHRISTENSEN, PA  
4800 IDS CENTER  
80 SOUTH 8<sup>TH</sup> STREET  
MINNEAPOLIS, MN 55402-2100



Townsend and Townsend and Crew, LLP  
Two Embarcadero Center  
Eighth Floor  
San Francisco, CA 94111-3834

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APR 02 2009

**OFFICE OF PETITIONS**

In re Application of	:	
Stephen L. Bolea et al.	:	
Application No. 11/933,238	:	DECISION ON
Filed: October 31, 2007	:	PETITION TO WITHDRAW
Attorney Docket No. 021433-000452US	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that James M. Heslin and all attorneys/agents associated with customer number 20350: (1) do not have power of attorney in this patent application; and (2) have been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

  
 Kimberly Inabinet  
 Petitions Examiner  
 Office of Petitions

cc: Patterson, Thuente, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis, MN 55402-2100



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PATTON BOGGS LLP  
1801 CALIFORNIA STREET  
SUITE 4900  
DENVER, CO 80202

Mail Date: 04/21/2010

<b>Applicant</b>	: David SCHWAAB	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7640280	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/933,240	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 10/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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



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

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**MAR 16 2009**

**OFFICE OF PETITIONS**

In re Application of :  
KIEVAL, Robert S. et al. :  
Application No. 11/933,244 :  
Filed: October 31, 2007 :  
Attorney Docket No. 021433-000157US :

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Heslin on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated with the Customer Number 20350 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: **ROBERT S. KIEVAL**  
**850 FOXBERRY CIRCLE**  
**MEDINA MN 55340**

cc: **PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.**  
**4800 IDS CENTER**  
**80 SOUTH 8TH STREET**  
**MINNEAPOLIS, MN 55402-2100**



**TOWNSEND AND TOWNSEND AND CREW, LLP  
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SAN FRANCISCO, CA 94111-3834**

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JUN 05 2009

In re Application of  
**Robert S. KIEVAL, et al.**  
Application No. 11/933,252  
Filed: October 31, 2007  
Attorney Docket No. **021433-000158US**

**OFFICE OF PETITIONS**  
DECISION ON PETITION TO  
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **TOWNSEND AND TOWNSEND AND CREW, LLP** has been revoked by the applicant of the patent application on June 3, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: **PATTERSON THUENTE SKAAR & CHRISTENSEN, PA.  
4800 IDS CENTER, 80 SOUTH 8<sup>TH</sup> STREET  
MINNEAPOLIS, MN 55402-2100**



Commissioner for Patents  
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[www.uspto.gov](http://www.uspto.gov)

**WILSON SONSINI GOODRICH & ROSATI**  
**650 PAGE MILL ROAD**  
**PALO ALTO CA 94304-1050**

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APR 24 2009

**OFFICE OF PETITIONS**

In re Application of :  
Nurith Kurn :  
Application No. 11/933,258 : ON PETITION  
Filed: October 31, 2007 :  
Attorney Docket No. 25115-706.301 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 30, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

This matter is being referred to the Technology Center Art Unit 1637 for action on the merits commensurate with this decision.

Joan Olszewski  
Petitions Examiner  
Office of Petitions



GEHRKE & ASSOCIATES, S.C.  
123 N. 86th ST  
WAUWATOSA, WI 53226

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APR 07 2009

**OFFICE OF PETITIONS**

In re Application of	:	
Donald Milton Loper	:	
Application No. 11/933,266	:	DECISION ON PETITION
Filed: October 31, 2007	:	TO WITHDRAW
Attorney Docket No. LOP0510.003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 16, 2009.

The request is **APPROVED**.

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

The request was signed by Lisa M. Gehrke on behalf of all attorneys of record who are associated with customer No. 32123. All attorneys/agents associated with the Customer Number 32123 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed February 6, 2009 that requires a reply from the applicant.

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

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

cc: DONALD MILTON LOPER  
5801 W. BRENTWOOD AVENUE  
MILWAUKEE, WI 53223



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/933,266	10/31/2007	Donald Milton Loper	LOP0510.003

32123  
GEHRKE & ASSOCIATES, S.C.  
123 N. 86th ST  
WAUWATOSA, WI 53226

**CONFIRMATION NO. 3448**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 04/07/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/16/2009.

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

/amwise/

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



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

**MAILED**

**JUN 23 2009**

In re Application of  
Stephen L. Bolea et al  
Application No. 11/933,268  
Filed: October 31, 2007  
Attorney Docket No. 021433-000453US

**OFFICE OF PETITIONS  
DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 12, 2009.

The request is **APPROVED**.

A review of the file record indicates that the attorneys associated with customer no. 20350: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, the attorneys associated with customer no. 20350 have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

All future communications from the Office will be directed to the first named signing inventor or the assignee of the entire interest under 37 C.F.R. § 3.71 at the first copied address below until otherwise properly notified by the applicant.

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

The application is being referred to Technology Center AU 3762 for examination in due course.

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

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

cc:

**STEPHEN L. BOLEA  
741 105<sup>TH</sup> ST. SE  
WATERTOWN MN 55388**



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/933,268	10/31/2007	Stephen L. Bolea	021433-000453US

20350  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

**CONFIRMATION NO. 3450**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 06/17/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/12/2009.

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

/kocreasy/

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



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**500 UNION STREET, STE 1005**  
**SEATTLE, WA 98101**

**MAILED**

**APR 27 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Gust H. BARDY :  
Application No. 11/933,278 :  
Filed: October 31, 2007 :  
Attorney Docket No. 003.0727.US.CON :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2009.

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

A review of the file record indicates that the power of attorney to Cascadia Intellectual Property, has been revoked by the assignee of the patent application on February 26, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record is the address indicated below until otherwise properly notified by the applicant.

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

Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: PAULY, DEVRIES SMITH & DEFFNER, LLC  
PLAZA VII – SUITE 3000  
45 SOUTH SEVENTH STREET  
MINNEAPOLIS, MN 55402-1630



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**Townsend and Townsend and Crew, LLP**  
**Two Embarcadero Center**  
**Eighth Floor**  
**San Francisco, CA 94111-3834**

**MAILED**

**MAR 12 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Stephen L. Bolea et al. :  
Application No. 11/933,283 : **DECISION ON PETITION**  
Filed: October 31, 2007 : **TO WITHDRAW**  
Attorney Docket No. 021433-000454US : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 12, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that James M. Heslin: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Patterson, Thunte, Skaar &  
Christensen, P.A.  
4800 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis, MN 55402-2100



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United States Patent and Trademark Office
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/933,293 10/31/2007 Byeong-Soo KANG P2089US00 3478

7590 05/05/2009
H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

EXAMINER

CARTER, WILLIAM JOSEPH

ART UNIT PAPER NUMBER

2875

NOTIFICATION DATE DELIVERY MODE

05/05/2009

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Barnes
Patent Publication Branch
Office of Data Management

Refund Ref: 05/05/2009 0030069712

Credit Card Refund Total: \$510.00

Am Exp.: XXXXXXXXXXXX2002

Adjustment date: 05/05/2009 NFARMER
11/01/2007 INTEFSW 00006841 11933293
02 FC:1111 -510.00 OP



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

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**MAR 16 2009**

**OFFICE OF PETITIONS**

In re Application of  
**KIEVAL, Robert S. et al.**  
Application No. 11/933,294  
Filed: October 31, 2007  
Attorney Docket No. 021433-001011US

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Heslin on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated with the Customer Number 20350 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: **ROBERT S. KIEVAL**  
**850 FOXBERRY CIRCLE**  
**MEDINA MN 55340**

cc: **PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.**  
**4800 IDS CENTER**  
**80 SOUTH 8TH STREET**  
**MINNEAPOLIS, MN 55402-2100**





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**Eighth Floor**  
**San Francisco, CA 94111-3834**

**MAILED**

**MAR 12 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Stephen L. Bolea et al. :  
Application No. 11/933,313 :  
Filed: October 31, 2007 :  
Attorney Docket No. 021433-000456US :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 12, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that James M. Heslin: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Patterson, Thunte, Skaar &  
Christensen, P.A.  
4800 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis, MN 55402-2100



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

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**MAR 30 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>BOLEA, Stephen L. et al.</b>	:	
Application No. 11/933,320	:	DECISION ON PETITION
Filed: October 31, 2007	:	TO WITHDRAW
Attorney Docket No. 021433-000457US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2009.

The request is **APPROVED**.

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

The request was signed by James M. Heslin on behalf of all attorneys of record who are associated with customer No. 20350. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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



Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **STEPHEN L. BOLEA**  
**741 105<sup>TH</sup> ST. SE**  
**WATERTOWN, MN 55388**

cc: **PATTERSON, THUENTE, SKAAR**  
**& CHRISTENSEN, P.A.**  
**4800 IDS CENTER**  
**80 SOUTH 8TH STREET**  
**MINNEAPOLIS, MN 55402-2100**



**RANKIN HILL & CLARK, LLP**  
**925 EUCLID AVENUE, SUITE 700**  
**CLEVELAND, OH 44115-1405**

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**APR 09 2009**

**OFFICE OF PETITIONS**

In re Application of  
Nurith **KURN**  
Application No. 11/933,332  
Filed: October 31, 2007  
Attorney Docket No. **25115-706.402**

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 30, 2009 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the certification by registered attorney Maya Skubatch attesting to the age of inventor Nurith KURN. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-1600.

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

The application is being forwarded to the Technology Center Art Unit 1637 for action on the merits commensurate with this decision.

Monica A. Graves  
Petitions Examiner, Office of Petitions



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**PAUL, HASTINGS, JANOFSKY & WALKER LLP**  
875 15TH STREET, NW  
WASHINGTON, DC 20005

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**MAR 02 2009**

In re Application of

**WEN, Huafeng**

Application No. 11/933,350

Filed: October 31, 2007

Attorney Docket No. **018563-015800US**

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 21, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Paul, Hastings, Janofsky & Walker LLP has been revoked by the assignee of the patent application on February 11, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **TOWNSEND AND TOWNSEND AND CREW, LLP (018563)**  
**TWO EMBARCADERO CENTER, EIGHTH FLOOR**  
**SAN FRANCISCO CA 94111-3834**



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FULBRIGHT & JAWORSKI L.L.P.  
600 CONGRESS AVE.  
SUITE 2400  
AUSTIN TX 78701

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In re Application of :  
Stephen Donovan :  
Application Number: 11/933379 : DECISION DISMISSING PETITION  
Filing Date: 10/31/2007 :  
Attorney Docket Number: :  
HACK:022US :

This is a decision in reference to the "PETITION UNDER 37 CFR 1.57(a) TO INCLUDE INADVERTENTLY OMITTED ITEMS," filed on July 11, 2008, requesting that the above identified application, which was filed on October 31, 2007, include Figure 22.

The petition is dismissed.

On October 31, 2007, the application was filed. The application papers included, *inter alia*, 38 sheets of drawings including Figures 1-4, 5A&B, 6-13, 14A-C, 15-21, 23-37, 38A-C, and 39-46, as well as a reference in the specification to Figure 22.

Accordingly, on May 21, 2008, a Notice to File Missing Parts of Nonprovisional Application was mailed stating that, *inter alia*, Figure 22 described in the specification appeared to have been omitted.

In response, on July 11, 2008, the present petition was filed, accompanied by a petition for a five (5)-month extension of time, and a preliminary amendment requesting that, *inter alia*, one sheet of drawings containing Figure 22 be added. A copy of a sheet of drawings including Figure 22 was also provided.

The mailing of a "Notice of Notice to File Missing Parts of Nonprovisional Application" stating that an item appears to have been omitted permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), (2) promptly submit the omitted drawing(s) in a nonprovisional

(2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date, or (3) accept the application as deposited by either (a) filing an amendment to cancel the reference to the omitted item; accompanied by a replacement specification, drawings, or claim listing, or (b) file an amendment to add the omitted item by relying on an incorporation by reference under 37 CFR 1.57 or other portions of the original disclosure.

As such, an applicant asserting that the missing drawing Figures were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice to File Missing Parts" stating that an item appears to have been omitted (37 CFR 1.181(f)).

MPEP 201.06(c) (IV) states that:

An applicant may incorporate by reference the prior application by including, in the continuation or divisional application-as-filed, an explicit statement that such specifically enumerated prior application or applications are "hereby incorporated by reference." The statement must appear in the specification. See 37 CFR 1.57(b) and MPEP § 608.01(p). The inclusion of this incorporation by reference statement will permit an applicant to amend the continuation or divisional application to include subject matter from the prior application(s), without the need for a petition provided the continuation or divisional application is entitled to a filing date notwithstanding the incorporation by reference.

(emphasis supplied)

For applications filed on or after September 21, 2004, a claim under 35 U.S.C. 120 and 37 CFR 1.78 for benefit of a prior-filed nonprovisional application or international application designating the U.S. that was present on the filing date of the continuation or divisional application is considered an incorporation by reference of the prior-filed

application as to inadvertently omitted material, subject to the conditions and requirements of 37 CFR 1.57(a).

In this case, however, petitioners neither assert that the missing drawing figure was deposited on October 31, 2007, nor request a filing date of the date the omitted item was deposited. Rather, petitioners state that the missing drawing was incorporated by reference on filing, and seek to amend the drawings to including the missing Figure 22.

As no petition is necessary to amend the specification or drawings, the petition is dismissed as moot.

Receipt of the preliminary amendment including Figure 22 is acknowledged. The examiner will review the preliminary amendment for new matter in due course.

However, as the Notice to File Missing Parts of Nonprovisional Application mailed on December 11, 2007, properly indicated that Figure 22 **appeared** to have been omitted, the Notice to File Missing Parts of Nonprovisional Application was properly mailed and will not be withdrawn.

The petition fee has been received. Since this petition was not necessitated by an error on the part of the USPTO, the petition fee will not be refunded.

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

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Anthony Knight  
Supervisor  
Office of Petitions



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875 15TH STREET, NW  
WASHINGTON, DC 20005

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**FEB 23 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Huafeng WEN :  
Application No. 11/933,381 :  
Filed: October 31, 2007 :  
Attorney Docket No. 71784.02501.CON1 :

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 21, 2009.

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

A review of the file record indicates that the power of attorney to Paul, Hastings, Janofsky & Walker, LLP, has been revoked by the assignee of the patent application on February 11, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record is the address first copied below until otherwise properly notified by the applicant.

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

  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: ALIGN TECHNOLOGY, INC.  
MICHAEL T. ROSATO,  
TOWNSEND AND TOWNSEND AND CREW LLP  
1420 FIFTH AVE., SUITE 4400  
SEATTLE, WA 98101-2325

cc: MARTIN R. BADER  
MARTIN R. BADER, ESQ.  
P.O. BOX 919092  
SAN DIEGO, CA 92191



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Alexandria, Virginia 22313-1450
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/933,398 10/31/2007 Seon-Ah CHO P2084US00 3594

7590 05/05/2009
H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

EXAMINER

NELMS, DAVID C

ART UNIT PAPER NUMBER

2871

NOTIFICATION DATE DELIVERY MODE

05/05/2009

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Miami Farmer (handwritten signature)

Patent Publication Branch
Office of Data Management

Refund Ref: 05/05/2009 0030069709

Adjustment date: 05/05/2009 NFARNER
11/01/2007 INTEFSW 00007018 11933398
02 FC:1111 -510.00 OP

Credit Card Refund Total: \$510.00

Ad Exp.: XXXXXXXXXXXX2002



**PAUL HASTINGS JANOFSKY & WALKER LLP**  
**875 15<sup>TH</sup> STREET NW**  
**WASHINGTON, DC 20005**

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**MAY 11 2009**

**OFFICE OF PETITIONS**

In re Application of

**Huafeng WEN**

Application No. 11/933,412

Filed: October 31, 2007

Attorney Docket No. **71784.02701.CON1**

DECISION ON PETITION TO  
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 21, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **PAUL HASTINGS JANOFSKY & WALKER LLP** has been revoked by the assignee of the patent application on February 11, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: **TOWNSEND AND TOWNSEND AND CREW, LLP (018563)**  
**TWO EMBARCADERO CENTER, EIGHTH FLOOR**  
**SAN FRANCISCO CA 94111-3834**



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/933,413 10/31/2007 Min-Seok OH P2062US00 3612

7590 05/01/2009
H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

EXAMINER

ENAD, CHRISTINE A

ART UNIT PAPER NUMBER

2823

NOTIFICATION DATE DELIVERY MODE

05/01/2009

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. [X] 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



WEISS & MOY PC  
4204 NORTH BROWN AVENUE  
SCOTTSDALE AZ 85251

**MAILED**

APR 30 2010

**OFFICE OF PETITIONS**

In re Application of	:	
BANOVA, ALDO	:	
Application No. 11/933,423	:	ON PETITION
Filed: November 01, 2007	:	
Attorney Docket No. N/A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the restriction requirement, mailed February 17, 2009. The requirement set a period for reply of one (1) months from the mail date of the requirement. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 18, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) an election (2) the petition fee of \$810; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the restriction requirement of February 17, 2009, is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Miranda Le at (571) 272-4112 or in her absence, the undersigned at (571) 272-7099.

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

A handwritten signature in black ink, appearing to read 'David Bucci', written over the printed name.

David Bucci  
Petitions Examiner  
Office of Petitions



YOUNG & THOMPSON  
209 MADISON STREET  
SUITE 500  
ALEXANDRIA, VA 22314

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**DEC 22 2008**

**OFFICE OF PETITIONS**

In re Application of  
Claes-Goran Granqvist et al  
Application No. 11/933,447  
Filed: November 1, 2007  
Attorney Docket No. 1510-1139

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:  
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ON PETITION

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed February 5, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 6, 2008.

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

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

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICES OF MARK L. BERRIER  
3811 BEE CAVES ROAD  
SUITE 204  
AUSTIN TX 78746

**MAILED**

JUN 02 2010

In re Application of :  
ERIK M. HOWARD :  
Application No. 11/933,484 :  
Filed: November 1, 2007 :  
Attorney Docket No. TAPE12400 :

OFFICE OF PETITIONS  
DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 2, 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 March 1, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed November 30, 2009. Accordingly, the date of abandonment of this application is March 2, 2009. A Notice of abandonment was mailed March 19, 2010.

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

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

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



JoAnne Burke  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/933,488 11/01/2007 Chi-Cheng Lin 250209-2490 3743

7590 02/22/2010
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

EXAMINER

ANDERSON, MATTHEW D

ART UNIT PAPER NUMBER

2618

MAIL DATE DELIVERY MODE

02/22/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature of Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjusted Refund: 02/24/2010 2030998205

Adjustment date: 02/24/2010 NFARMER
11/01/2007 INTEFSW 00008930 11933400
02 FC:1111 -512.00 CP
04 FC:1202 -200.00 CP

Credit Card Refund Total: 0750.00

Ref. Exp. #: XXXXXXXX-XXXXXX



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HAYNES AND BOONE, LLP  
IP Section  
2323 Victory Avenue  
Suite 700  
Dallas, TX 75219

Mail Date: 04/21/2010

<b>Applicant</b>	: Nikolai Vyssotski	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7602195	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/933,503	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/01/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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

<b>PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)</b>					
<b>Application Information</b>					
Application Number	11933506	Confirmation Number	3774	Filing Date	2007-11-01
Attorney Docket Number (optional)	A042 P01383-US1	Art Unit	3641	Examiner	Not Available
First Named Inventor	Richard E. Swan				
Title of Invention	MOUNTING ASSEMBLY WITH ADJUSTABLE SPRING TENSION				
<p><b>Attention: Office of Petitions</b>            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).</p> <p>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.</p> <p>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.</p>					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Richard	E.	Swan			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/Stephen J. Holmes/		Date (YYYY-MM-DD)	2008-04-04	
Name	Stephen J. Holmes		Registration Number	34621	

## 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 Freedom 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 individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of  
RICHARD E. SWAN

Application No. 11933506

Filed: November 1, 2007

Attorney Docket No. A042 P01383-US1

:  
:

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

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) filed 04-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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Paper No.

CANTOR COLBURN LLP- BAKER ATLAS  
20 Church Street  
22nd Floor  
Hartford CT 06103

**COPY MAILED**

**AUG 25 2009**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Sebastian Csutak	:	
Application No. 11/933,512	:	DECISION ON PETITION
Filed: November 1, 2007	:	PURSUANT TO
Attorney Docket No.: 594-45471-US	:	37 C.F.R. § 1.137(B)
Title: TEMPERATURE AND	:	
PRESSURE SENSOR USING FOUR	:	
WAVE MIXING TECHNIQUE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed June 10, 2009, to revive the above-identified application.

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

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed February 6, 2009, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue<sup>1</sup> or publication fees.<sup>2</sup> Accordingly, the above-identified application became abandoned on May 7, 2009. A Notice of Abandonment was mailed on June 3, 2009.

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

(1) The reply required to the outstanding Office

<sup>1</sup> See MPEP § 710.02(e) (III).

<sup>2</sup> See 37 C.F.R. § 1.211(e).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

- action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
  - (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
  - (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. § 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has submitted the petition, publication, and issue fees, along with a statement that is being construed as the proper statement of unintentional delay. A terminal disclaimer is not required. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.<sup>3</sup>

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

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

---

<sup>3</sup> See Rule 1.137(d).

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>4</sup> All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.



Paul Shanowski  
Senior Attorney  
Office of Petitions

---

<sup>4</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 FIFTH AVENUE  
16TH FLOOR  
NEW YORK NY 10001-7708

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**FEB 02 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Ryu et al. : DECISION ON PETITION  
Application Number: 11/933553 :  
Deposited: 11/01/2007 :  
Attorney Docket Number: :  
07724/LH :

This is a decision on the petition under 37 CFR 1.57(a), filed on February 4, 2008, requesting that the above-identified application be accorded a filing date of November 1, 2007.

The petition is **DISMISSED**.

On November 1, 2007, the instant application was deposited without drawings.

Accordingly, on December 11, 2007, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application had been deposited without drawings. An executed oath or declaration was also required. A two month period for reply was set.

On February 4, 2008, the present petition was filed, along with, *inter alia*, an executed oath or declaration, a preliminary amendment, including 10 sheets of drawings, and a copy of a Japanese priority document.

Petitioner concedes that the drawing sheets were inadvertently omitted from the application papers filed on November 1, 2007, but states that this application contains, in the first line of the specification present on filing following the title, a claim for foreign priority under 35 U.S.C. § 119(b) and 37 CFR 1.55(a) to prior-filed Japanese application No. 2006-301974, filed on November 7, 2006, which contains the omitted drawings.

Relying on §1.57(a), applicants state that the drawings were effectively incorporated by reference.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

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

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior filed application is an application under 35 U.S.C. § 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English

...

(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

The petition lacks item (1). Although a preliminary amendment was filed including the drawings, and petitioner's counsel states in the petition that "[t]he English legends in the attached Figs. 1-12 are accurate translations of the corresponding Japanese language legends in the drawings of JP priority application No. 2006-301974," petitioner has not supplied an English translation

of the prior-filed application as required by 37 CFR 1.57(a)(ii). A complete translation of the prior-filed Japanese application to which priority under 35 U.S.C. § 119(b) and 37 CFR 1.55(a) is claimed must be filed with any renewed petition.

Furthermore, 37 CFR 1.55(a)(3)(ii) states that if an English language translation is required, it must be filed together with a statement that the translation of the certified copy is accurate. Accordingly a statement that the translation of the Japanese application is accurate must also be filed with the renewed petition.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

The petition fee of \$400.00 has been received.

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

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

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

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

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

  
Anthony Knight  
Supervisor  
Office of Petitions



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16TH FLOOR  
NEW YORK NY 10001-7708

MAILED

MAY 07 2009

OFFICE OF PETITIONS

In re Application of :  
Ryu et al. : DECISION ON PETITION  
Application Number: 11/933553 :  
Deposited: 11/01/2007 :  
Attorney Docket Number: :  
07724/LH :

This is a decision on the renewed petition under 37 CFR 1.57(a), filed on March 27, 2009, requesting that the above-identified application be accorded a filing date of November 1, 2007.

The petition is **GRANTED**.

On November 1, 2007, the instant application was deposited without drawings.

Accordingly, on December 11, 2007, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application had been deposited without drawings. An executed oath or declaration was also required. A two month period for reply was set.

On February 4, 2008, an initial petition under 37 CFR 1.57(a) was filed. The initial petition was accompanied by, *inter alia*, an executed oath or declaration, a preliminary amendment, including 10 sheets of drawings, and a copy of a Japanese priority document.

On February 2, 2009, the petition was dismissed, however, because an English translation of the foreign language priority document, and a statement that the certified copy of the translation is accurate, were missing.

On March 27, 2009, the present renewed petition was filed, along with an English language translation of the Japanese priority document and a statement that the English language translation is accurate.

Petitioner concedes that the drawing sheets were inadvertently omitted from the application papers filed on November 1, 2007, but states that this application contains, in the first line of the specification present on filing following the title, a claim for foreign priority under 35 U.S.C. § 119(b) and 37 CFR 1.55(a) to prior-filed Japanese application No. 2006-301974, filed on November 7, 2006, which contains the omitted drawings.

Relying on § 1.57(a), applicants argue that the drawings were effectively incorporated by reference.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

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

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior filed application is an application under 35 U.S.C. § 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English

...

- (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

A review of the application as filed reveals that it included, in the specification as filed, a claim to the benefit of prior-filed Japanese Application No. 2006-301974, filed on November 7, 2006. The petition fee has been received, along with a preliminary amendment adding the omitted drawings. Further, the present renewed petition is accompanied by an English translation of the Japanese language priority document, and a statement that the translation is accurate.

In view thereof, the petition under § 1.57(a) is **GRANTED**. The amendment will be entered in due course.

This application is being forwarded to the Office of Patent Application Processing (OPAP) for according of a filing date of **November 1, 2007**, using the application papers received in the Office on that date and the 10 sheets of drawings submitted with the initial petition, and for an indication in Office records that 10 sheets of drawings were present on filing.

The application is referred to the Office of Patent Application Processing for further processing with a filing date of **November 1, 2007**. Applicant will receive appropriate notification regarding the fees owed, if any, and other information in due course from OPAP.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.



Anthony Knight  
Supervisor  
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.
11/933,564	11/01/2007	Hye-Young KIM	SEC.1912	3881
20987	7590	01/20/2009	EXAMINER	
VOLENTINE & WHITT PLLC ONE FREEDOM SQUARE 11951 FREEDOM DRIVE SUITE 1260 RESTON, VA 20190			BRAGDON, REGINALD GLENWOOD	
			ART UNIT	PAPER NUMBER
			2189	
			MAIL DATE	DELIVERY MODE
			01/20/2009	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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VOLENTINE & WHITT PLLC  
ONE FREEDOM SQUARE  
11951 FREEDOM DRIVE SUITE 1260  
RESTON VA 20190

In re Application of: KIM et al.  
Application No. 11/933,564  
Filed: November 1, 07  
For: METHOD OF PROVIDING BLOCK  
STATE INFORMATION IN  
SEMICONDUCTOR MEMORY DEVICE  
INCLUDING FLASH MEMORY

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 27, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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, and accordingly, the above-identified application has been accorded "special" status.

The request and petition are **GRANTED**.

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

Art Unit: 2875

okay for entry.  
/lt/ 9/2008

#### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 1, line 6: change "frame as a frame" to -frame has a frame--.

#### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Prior art fails to show or suggest a electro-optical device comprising a lighting device including a light guide plate and a light source emitting light to the light guide plate which are received in a frame and a display panel wherein the light guide plate has an inclined portion which gradually becomes thicker as it becomes nearer to the light source and wherein the frame has a frame protrusion facing the inclined portion of the light guide plate.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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BOEING MANAGEMENT COMPANY  
P.O. BOX 2515  
MAIL CODE 110-SD54  
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

**Applicant** : Daniel N. Harres : DECISION ON REQUEST FOR  
**Patent Number** : 7573311 : RECALCULATION of PATENT  
**Issue Date** : 08/11/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/933,645 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/01/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

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

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

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

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

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

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



**PENTRON CORPORATION  
53 NORTH PLAINS INDUSTRIAL ROAD  
WALLINGFORD CT 06492**

**COPY MAILED  
MAR 08 2010**

In re Application of :  
Ajit Karmaker :  
Application No. 11/933,683 : **DECISION ON PETITION**  
Filed: November 1, 2007 :  
Attorney Docket No: JPP-1333NP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 31, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed November 30, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 31, 2008. A Notice of Abandonment was mailed August 11, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the Oath or Declaration and the \$130.00 Surcharge fee; (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

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

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

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



Joan Olszewski  
Petition Examiner  
Office of Petitions

cc: Ian J. S. Lodovice  
20 Church Street, 22<sup>nd</sup> Floor  
Hartford, CT 06103



**MAIL**

**DEC 07 2007**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

CANTOR COLBURN LLP - IBM FISHKILL  
55 GRIFFIN ROAD SOUTH  
BLOOMFIELD CT 06002

In re Application of:

FLEISCHMAN, THOMAS J., et al.

Serial No.: 11/933,708

Filed: November 1, 2007

Title: **DIGITAL CAMERA SYSTEM**

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

This is a decision on the petition filed on November 1, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

#### REGULATION AND PRACTICE

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

##### I. Conditions Regarding the Application:

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

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
  - 5.3. encompass the disclosed features that may be claimed.
  6. must provide in support of the petition an accelerated examination support document.
- An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

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

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

Regarding the requirement in item 6.3 above, the "Accelerated Examination Support Document", is deficient inasmuch as petitioner does not provide a "detailed explanation of how *each of the claims* are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c). Rather, petitioner has provided a broad statement that all of the references identified do not teach nor suggest certain elements of the claims, without explaining, with particularity, which limitation(s) render each of the claim(s) (separately) patentable over the references that are cited. The petition fails to provide a detailed explanation of how each of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c) as required by item 6.3. Since there is no differentiation between each of the claims (both independent and dependent) as to what renders them patentable, it is not clear whether any of the dependent claims would stand or fall together with the claims they depend from. It is presumed any claim that is not separately argued for patentability, stands or falls with the claims it depends from. If this is not accurate, then any request for reconsideration must provide a detailed explanation in regard to *each of the claims* as set forth in item 6.3 above.

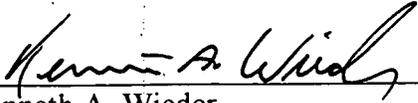
## DECISION

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

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

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

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



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Kenneth A. Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

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20 Church Street  
22nd Floor  
Hartford CT 06103

**MAIL**

**FEB 26 2008**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

In re Application of:	:	
FLEISCHMAN, THOMAS J., et al.	:	DECISION ON PETITION TO
Serial No.: 11/933,708	:	MAKE SPECIAL FOR NEW
Filed: November 1, 2007	:	APPLICATION UNDER 37
	:	C.F.R. § 1.102 & M.P.E.P. §
	:	708.02
Title: <b>DIGITAL CAMERA SYSTEM</b>	:	

This is a decision on the petition filed on January 4, 2008 requesting reconsideration of the decision mailed December 7, 2007 that the above-identified application be made special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

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

4. Time for Reply:

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

5. Reply by Applicant:

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

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

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

6. Information Disclosure Statement (IDS):

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

7. Post-Allowance Processing:

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

8. After-Final and Appeal Procedures:

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

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

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

9. Proceedings Outside the Normal Examination Process:

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

10. Final Disposition:

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

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

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



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Kenneth A. Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



ROUND  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 SOUTH AVENUE WEST  
WESTFIELD NJ 07090

**MAILED**

JUL 06 2010

OFFICE OF PETITIONS

In re Application of :  
Doan, et al. :  
Application No. 11/933,728 :  
Filed: 1 November, 2007 :  
Attorney Docket No: ROUND 3.0-073 – :  
PDDCCDCDC :

DECISION

This is a decision on the petition filed on 29 January, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

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

As to the Allegations  
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

*Petitioners attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

BACKGROUND

The record reflects as follows:

The Applicant failed to reply timely and properly to the non-final Office action mailed on 28 January, 2009, with reply due absent extension of time on or before 28 April, 2009.

The application went abandoned by operation of law after midnight 28 April, 2009

The Office mailed the Notice of Abandonment on 4 September, 2009.

On 29 January, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of an amendment and made a statement of unintentional delay.

*It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue.*

*Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.<sup>1</sup> 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 C.F.R. §1.137(b) was unintentional, Petitioner **must** notify the Office.*

The record (including the petition filed on 29 January, 2010) does not necessitate a finding that the delay between midnight 28 April, 2009 (the date of abandonment), and 29 January, 2010 (the date of the filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner/former Counsel Stephen A. Gratton (Reg. No. 28,418), averred assignee Round Rock Research LLC) and new Counsel (Lerner, David, Littenberg, Krumholz & Mentlik, LLP) when accepting Petitioners' representation that the delay in filing the response was unintentional.<sup>2</sup>

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>3</sup>

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<sup>1</sup> See 37 C.F.R. §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).

<sup>2</sup> See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. ' 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. ' 1.137(b) to the Patent and Trademark Office).

<sup>3</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).<sup>4</sup> The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.<sup>5</sup>))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 2895 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

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<sup>4</sup> 35 U.S.C. §133 provides:

**35 U.S.C. §133 Time for prosecuting application.**

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

<sup>5</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>6</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>6</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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

PIETRAGALLO GORDON ALFANO BOSICK & RASPANTI, LLP  
ONE OXFORD CENTRE, 38TH FLOOR  
301 GRANT STREET  
PITTSBURGH, PA 15219-6404

Mail Date: 04/21/2010

Applicant : Juil Lee : DECISION ON REQUEST FOR  
Patent Number : 7570066 : RECALCULATION of PATENT  
Issue Date : 08/04/2009 : TERM ADJUSTMENT IN VIEW  
Appliction No : 11/933,729 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 11/01/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **2** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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



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

**COPY MAILED**

**MAY 11 2009**

**OFFICE OF PETITIONS**

In re Application of  
**Seong-Won CHO**  
Application No. 11/933,752  
Filed: November 1, 2007  
Attorney Docket No. **EVRMD.001C1C1**

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:

DECISION ON PETITION TO  
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2009.

The request is **APPROVED**.

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

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

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

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

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

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

cc: **SEONG-WON CHO**  
**11-107 SAMHO GARDEN MANSION**  
**30-2 BANPO 1-DONG, SEOCHO-GU**  
**SEOUL, KR 137-041**

cc: **SENGA ADVISORS, LLC**  
**260 MADISON AVENUE, 8<sup>TH</sup> FLOOR**  
**NEW YORK, NY 10016**

Attachment: Power/Revocation/New Power of Attorney with Address Change USPTO (PTO/SB/81)



DICKINSON WRIGHT PLLC  
38525 WOODWARD AVENUE  
SUITE 2000  
BLOOMFIELD HILLS MI 48304-2970

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MAR 20 2009

**OFFICE OF PETITIONS**

In re Application of :  
Frederick et al. :  
Application No. 11/933,767 :  
Filed: November 1, 2007 :  
Attorney Docket No. 710240-2647 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 25, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 26, 2008. A Notice of Abandonment was mailed February 6, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$1,620.00, and (3) an adequate statement of unintentional delay.

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

This application is being referred to Technology Center AU 2831 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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DNW 02-08

WESTMAN CHAMPLIN & KELLY, P.A.  
SUITE 1400  
900 SECOND AVENUE SOUTH  
MINNEAPOLIS MN 55402-3244

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**OCT 07 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Nash, Mittenness, and O'Rourke :  
Application Number: 11/933778 : DECISION ACCORDING STATUS  
Filing Date: 11/01/2007 : UNDER 37 CFR 1.47(a)  
Attorney Docket Number: :  
C101.12-0007 :

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

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Peter Nash, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioners have shown, via the statement of facts by petitioner's registered patent practitioner, Z. Peter Sawicki, that a copy of the application papers was sent by email to the non-signing inventor's attorney, Erik W. Ibele. Attorney Ibele, however, sent back an email to petitioners stating that the non-signing inventor was refusing to sign the declaration.

As such, the showing of record is that the non-signing inventor expressly refused to sign the declaration naming him as a joint inventor along with Bradley M. Mittenness and Michael O'Rourke.

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

It is noted that \$130.00 was paid towards the petition fee on August 28, 2008. The fee for a petition under 37 CFR 1.47(a) or (b) is \$200.00. The balance due of \$70.00 will be charged to counsel's deposit account as authorized in the "RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED

UNDER 37 C.F.R. §§ 1.53(f) AND 1.16(e)" filed with the subject petition.

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

The application is being referred to Technology Center Art Unit 1645 for examination in due course.

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



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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P.O. Box 1450  
Alexandria, VA 22313-1450  
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D1W Oct-08

Peter Nash  
18811 Maple Leaf Drive  
Eden Prairie MN 55346

**COPY MAILED**

OCT 07 2008

**OFFICE OF PETITIONS**

In re Application of  
Nash et al.  
Application No. 11/933,778  
Filed: November 1, 2007  
For: ADHERENCE INHIBITOR DIRECTED TO AND METHOD OF MAKING AND USING

Dear Mr. Nash:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

WESTMAN CHAMPLIN & KELLY, P.A.  
SUITE 1400  
900 SECOND AVENUE SOUTH  
MINNEAPOLIS MN 55402-3244



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GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.  
PO BOX 7021  
TROY, MI 48007-7021

Mail Date: 04/21/2010

**Applicant** : R. Charles Murray : DECISION ON REQUEST FOR  
**Patent Number** : 7584593 : RECALCULATION of PATENT  
**Issue Date** : 09/08/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/933,784 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/01/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

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

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

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

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

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

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



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OCT 24 2008

**OFFICE OF PETITIONS**

**HELLER EHRMAN LLP  
4350 LA JOLLA VILLAGE DRIVE, 7TH FLOOR  
SAN DIEGO CA 92122**

In re Application of	:	
<b>DANKAR, Ajay et al.</b>	:	
Application No. 11/933,803	:	<b>DECISION ON PETITION</b>
Filed: November 01, 2007	:	<b>TO WITHDRAW</b>
Attorney Docket No. 00691-0004 US	:	<b>FROM RECORD</b>

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 03, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Leslie Overman on behalf of all attorneys of record who are associated with customer No. 25213. All attorneys/agents associated with the Customer Number 25213 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: **JAY DANKAR  
37358 LANTANA COMMON  
FREMONT CA 94536**

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



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

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APR 21 2009

**OFFICE OF PETITIONS**

In re Application of	:	
Ajay Dankar et al.	:	
Application No. 11/933,803	:	DECISION ON
Filed: November 1, 2007	:	PETITION TO WITHDRAW
Attorney Docket No. FIN-0004	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 31, 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 Paul Davis on behalf of attorney/agents associated with customer number 77845. All attorneys/agents associated with customer number 77845.

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

The correspondence address has been changed. All future correspondence will be mailed to the address of the first signing inventor.

Application No. 11/933,803

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

  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Ajay Dankar  
37358 Lantana Common  
Fremont, CA 94536



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/933,803	11/01/2007	Ajay Dankar	FIN-0004

CONFIRMATION NO. 4368

POWER OF ATTORNEY NOTICE

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



Date Mailed: 04/21/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/31/2009.

- 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



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

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AUG 08 2008

**OFFICE OF PETITIONS**

In re Application of :  
Akamatsu, et al. : **ON PETITION**  
Application No.: 11/933,819 :  
Filed: November 1, 2007 :  
Attorney Docket No.: 011823-016710US :  
For: MAMMALIAN CELL-BASED :  
IMMUNOGLOBULIN DISPLAY LIBRARIES :

This is a decision on the petition under 37 CFR 1.47(a), filed May 19, 2008 (certificate of mailing date May 12, 2008).

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.47(a) requires

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

This petition lacks item (1).

As to item (1), applicant has failed to establish that Tsuneaki Asai has refused to sign the declaration or cannot be reached. A successful Rule 47 petition requires either (1) a clear refusal to join, whether expressly or by conduct, or (2) a showing of diligence in trying to find an unavailable inventor. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

The March 30, 2007 email from Inventor Asai to Renee Kossiak, Senior Counsel, Intellectual Property, PKL BioPharma, Inc., establishes that assignee was on notice that Inventor Asai was preparing to leave his current employer the next day and would be out of reach until he obtained other employment. Inventor Asai provided no other email or mailing address. Rule 47 petitioners mailed a copy of the application and a declaration to Inventor Asai's former place of employment in March 2008, despite the fact that Inventor Asai informed assignee that March 30, 2007 was his last day at that address. Rule 47 petitioners have not expended sufficient effort to locate Inventor Asai since March 30, 2007.

Petitioners are informed that emailing is generally not accepted as a means to communicate with non-signing inventors. This is because the Office cannot know definitely if the message was received; people are not as careful in deleting e-mails as they are in throwing out mail as shown by bulk folder deletions and the fact that some people might not check emails frequently; the Office does not know if the recipient has the program to open the specific attachment; and PTO guidelines regarding accepting email reflects the fact that the Office does not have the same confidence in email as it does in postal service.

The Office typically requires documentary evidence of successful e-mailing in the form of a response email from the non-signing inventor in which the inventor acknowledges receipt of the email and his ability to read the attachments. Sending an email alone is not sufficient.

Other attempts to reach Inventor Asai should be attempted. If other attempts to locate the inventor, e.g. through inquiries of national registries, computer database searches, or the telephone continue to fail, then petitioners will establish that the inventor cannot be reached.

If it is concluded by the 37 CFR 1.47 petitioners that a non-signing inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted.

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

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

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

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

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

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive style with a large initial 'S'.

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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TOWNSEND AND TOWNSEND AND CREW LLP  
TWO EMBARCADERO CENTER, EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

**COPY MAILED**  
**DEC 17 2008**

In re Application of :  
Akamatsu, et al. : **ON PETITION**  
Application No.: 11/933,819 :  
Filed: November 1, 2007 :  
Attorney Docket No.: 011823-016710US :  
For: MAMMALIAN CELL-BASED :  
IMMUNOGLOBULIN DISPLAY LIBRARIES :

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed October 6, 2008 (certificate of mailing date October 1, 2008).

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Tsuneaki Asai, cannot be located to join in the filing of the above-identified application.

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

Regarding fees, petitioners have paid two Rule 47 petition fees. Only one Rule 47 petition fee is required. Pursuant to petitioners' authorization, deposit account no. 20-1430 will be credited \$200.00.

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

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

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

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



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TSUNEAKI ASAI  
TOKAI UNIVERSITY  
BOHSEIDAI, ISEHARA  
KANAGAWA, 259-1193  
JAPAPN

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DEC 17 2008

In re Application of :  
Akamatsu, et al. : LETTER  
Application No.: 11/933,819 :  
Filed: November 1, 2007 :  
Attorney Docket No.: 011823-016710US :  
For: MAMMALIAN CELL-BASED :  
IMMUNOGLOBULIN DISPLAY LIBRARIES :

Dear Prof. Asai:

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

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

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

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

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



**GIFFORD, KRASS, SPRINKLE, ANDERSON  
& CITKOWSKI, P.C  
PO BOX 7021  
TROY MI 48007-7021**

**MAILED**

**MAR 30 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>NEALE, Colin</b>	:	
Application No. 11/933,840	:	<b>DECISION ON PETITION</b>
Filed: November 01, 2007	:	<b>TO MAKE SPECIAL UNDER</b>
Attorney Docket No. <b>NCO-10002/49</b>	:	<b>37 CFR 1.102(c)(1)</b>
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 23, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Colin Neale attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3612 for action on the merits commensurate with this decision.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



IBM CORP (YA)  
C/O YEE & ASSOCIATES PC  
P.O. BOX 802333  
DALLAS TX 75380

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SEP 29 2008

**OFFICE OF PETITIONS**

In re Application of	:	
Dewitt et al.	:	
Application No. 11/933,854	:	DECISION ON PETITION
Filed: November 1, 2007	:	
Attorney Docket No. AUS920010716US2	:	

This is a decision on the renewed petition, filed September 10, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

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

This above-identified application became abandoned for failure to file a response to a Notice to File Corrected Application Papers, which was mailed on December 11, 2007. The Notice to File Corrected Application Papers set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on February 12, 2008.

Petitioner asserts that the Notice to File Corrected Application Papers dated December 11, 2007 was not received.

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

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

and docket records indicates that the Office action was not received; and

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

*See* MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

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

As to item 3, a review of the docket records shows that petitioner has failed to provide master docket records for the firm. On petition, petitioner has presented three snapshots of case history for the above application. It is further noted practitioner does not state that a master docket does not exist. The Office requires a copy of the master docket for the **firm** not just for this specific application. Pursuant to MPEP 711.03 (c) a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

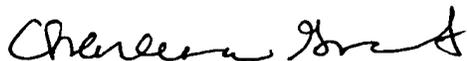
Further correspondence with respect to this matter should be addressed as follows:

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

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

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

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



Charlema Grant  
Petitions Attorney  
Office of Petitions



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C/O YEE & ASSOCIATES PC  
P.O. BOX 802333  
DALLAS TX 75380

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DEC 0 8 2008

**OFFICE OF PETITIONS**

In re Application of	:	
Dewitt et al.	:	
Application No. 11/933,854	:	DECISION ON PETITION
Filed: November 1, 2007	:	
Attorney Docket No. AUS920010716US2	:	

This is a decision on the renewed petition, filed November 10, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Corrected Application Papers, which was mailed on December 11, 2007. The Notice to File Corrected Application Papers set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on February 12, 2008. A petition under 37 CFR 1.181 was dismissed September 26, 2008.

Petitioner asserts that the Notice to File Corrected Application Papers dated December 11, 2007 was not received.

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

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and

referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Office of Patent Application Processing for review of the reply to the Notice to File Corrected Application Papers submitted on September 10, 2008.

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



Charlema Grant  
Petitions Attorney  
Office of Petitions



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EATON CENTER  
1111 SUPERIOR AVENUE  
CLEVELAND, OH 44114

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DEC 10 2008

**OFFICE OF PETITIONS**

In re Application of :  
James P. Barnhouse, et. al. :  
Application No. 11/933,876 : **ON PETITION**  
Filed: November 1, 2007 :  
Attorney Docket No. 07-mAIR-066 :

This is a decision on the petition under 37 CFR 1.137(b), filed on October 20, 2008, to revive the above-identified application.

The application became abandoned for failure to respond to the Notice to File Corrected Application Papers mailed December 11, 2007. A Notice of Abandonment was mailed on August 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of six sheets of drawings containing Figures 1-8; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office acknowledges receipt of \$1,110 for a three months extension of time. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm' r. Pats. 1988). Accordingly, since the \$1,110 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

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

Andrea Smith  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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**Ari Pramudji**  
**Pramudji Wendt & Tran, LLP**  
**1800 Bering Drive, Suite 540**  
**Houston, TX 77057**

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**JUL 15 2008**

**OFFICE OF PETITIONS**

In re Application of  
Milburn Eugene Cummins  
Application No. 11/933,927  
Filed: November 1, 2007  
Attorney Docket No. GENE0001D

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

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

The petition is **GRANTED**.

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

The instant petition includes a statement by applicant's attorney on his behalf. Accordingly, the above-identified application has been accorded "special" status.

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

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

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 3746 for action on the merits commensurate with this decision.

*Kimberly Inabinet*  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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**NOV 06 2008**

DANIEL P. MALLEY  
BOND, SCHOENECK & KING, PLLC  
10 BROWN ROAD, SUITE 201  
ITHACA, NY 14850-1248

In re Application of :  
Dejan Radosavljevic, et al. :  
Application No. 11/933,928 : **ON PETITION**  
Filed: November 1, 2007 :  
Attorney Docket No. 905P191C (CON1) :

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

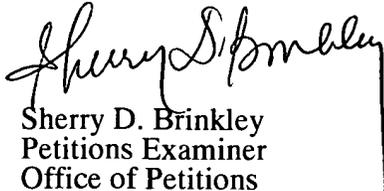
The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts (Notice) mailed November 16, 2007. The notice required an oath or declaration under 37 CFR 1.63 and the requisite surcharge under 37 CFR 1.16(f). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 17, 2008. A Notice of Abandonment was mailed on July 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed declaration and the 130 surcharge; (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing using the declaration filed August 14, 2008.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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SAN JOSE CA 95170

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MAR 24 2009

**OFFICE OF PETITIONS**

In re Application of :  
Lin :  
Application No. 11/934,003 :  
Filed: November 1, 2007 :  
Attorney Docket No. OBRB-P001 :

DECISION ON PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the petition filed October 28, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED** as inappropriate for the reasons stated below.

The record discloses that, on November 1, 2007, the date of filing of the instant application, a Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) was filed certifying that “the invention disclosed in the attached **application has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.”

Petitioner now requests under 35 U.S.C. § 122(b)(2)(B)(ii) that the Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i) be rescinded and the application be revived because this application became abandoned for failure to notify the USPTO within 45 days of the filing of a corresponding international or foreign application. In this regard, petitioner states that an international or foreign application corresponding to the instant application was filed on November 1, 2007, which date is the same as the date of filing the instant application.

The instant nonprovisional application did not become abandoned as a result of the filing of a corresponding application filed in another country, or under a multilateral international agreement, **subsequent** to the filing of the present application. In this regard, 35 U.S.C. § 122(b)(2)(B)(iii) states:

An applicant who has made a request under clause (i) but who **subsequently files, in a foreign country or under a multilateral international agreement** specified in clause (i), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the Director of such filing not later than 45 days **after the date of the filing of such foreign or**

**international application**. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional [emphasis supplied].

The facts of this case are that the subject application was filed on November 1, 2007, and the corresponding foreign application was filed on November 1, 2007. The statute does not provide for the situation where a certification under 35 U.S.C. § 122(b)(2)(B)(i) was made, despite the fact that an application was filed on the same date in another country or under the multilateral international agreement. The provisions of 35 U.S.C. § 122(b)(2)(B)(iii) only provide for revival in the situation where a certification was made under 35 U.S.C. § 122(b)(2)(B)(i) at the time of filing the application and an application was *subsequently* filed in a foreign country or under the multilateral international agreement without notifying the Office within 45 days of the filing thereof.

In view of the above and since this application did not become abandoned pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii), a petition to revive under the provisions of 37 CFR 1.137(b) is inappropriate and, therefore, must be dismissed.

As requested, the Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i) was previously rescinded and the application was published February 12, 2009.

The rules and statutory provisions governing the operations of the USPTO require payment of a fee on filing each petition. *See* 35 U.S.C. § 41(c)(7). Accordingly, the petition fee of \$820 paid October 28, 2008, will not be refunded.

Technology Center Art Unit 2416 will be informed a decision has been issued in response to the pending petition under 37 CFR 1.137(b) and that the application is now in condition for examination in due course.

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



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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ALBIN H. GESS, ESQ.  
SNELL & WILMER L.L.P.  
SUITE 1400  
600 ANTON BOULEVARD  
COSTA MESA, CA 92626-7689

MAILED  
JAN 19 2010  
OFFICE OF PETITIONS

In re Application of :  
Terrafranca et al. :  
Application No. 11/934,017 : DECISION ON PETITION  
Filed: November 1, 2007 :  
Attorney Docket No. 18658-0200 :

This is a decision on the petition under 37 CFR 1.182, filed November 20, 2009, 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. 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.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. Nevertheless, the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that Mr. Edward Lin is authorized to represent the particular party on whose behalf he acts, in accordance with 37 CFR 1.34.

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

This application is being referred to Technology Center 2855 for further examination on the merits.

Chris Bottorff  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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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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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/934,017, 11/01/2007, 2855, 1462, 18658-0200, 25, 3

CONFIRMATION NO. 4781

CORRECTED FILING RECEIPT



Albin H. Gess, Esq.
SNELL & WILMER L.L.P.
Suite 1400
600 Anton Boulevard
Costa Mesa, CA 92626-7689

Date Mailed: 01/12/2010

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

Applicant(s)

- Nicholas A. Terrafranca JR., Laguna Niguel, CA;
Majid Sarrafzadeh, Anaheim Hills, CA;
Eric Collins, Mission Viejo, CA;
Foad Dabiri, Los Angeles, CA;
Hyduke Noshadi, Northridge, CA;
Tammara Massey, Los Angeles, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/864,050 11/02/2006

Foreign Applications

If Required, Foreign Filing License Granted: 11/27/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is: US 11/934,017

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

FOOT PRESSURE ALERT AND SENSING SYSTEM

**Preliminary Class**

073

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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

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

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

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

**NOT GRANTED**

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



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EDWARD ETKIN, ESQ.  
LAW OFFICE OF EDWARD ETKIN, PC  
228 WEST END AVENUE, SUITE A  
BROOKLYN NY 11235

In re Application of  
Vladimir Zakoshansky et al  
Serial No.: 11/934,032  
Filed: November 1, 2007  
Attorney Docket No.: 1007-10ACC

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

This is a decision on the petition filed November 1, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

## REVIEW OF FACTS

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

Regarding the requirements of MPEP § 708.02, 5 and 6, applicants have supplied several documents indicated as IDS or IDS letter which are either copies of US patents or blank IDS forms. US patents or patent publications are to be listed on the IDS form, but copies should not be supplied. The Pre-examination Support document lists four references, two US patents, a Russian patent and a book. The document indicates where in the US patents the limitations of the claims may be found, but fails to do so for the Russian patent (or its translation) or the book. The document also fails to correlate the limitations of the references to the specification except in generalities (i.e. pages 18-23 and Figures 1 and 2). Each limitation of each claim must be shown to have support in the specification, not just a general statement of support under 35 U.S.C. 112, first paragraph.

In view of the above deficiencies the search and the Pre-examination Support Document and IDS form are defective or incomplete and need to be revised or updated.

## DECISION

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

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

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

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



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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/934,032	11/01/2007	Vladimir Mikhailovitch Zakoshansky	1007-10ACC	4817
42129	.7590	01/02/2008	EXAMINER	
EDWARD ETKIN, ESQ. Law Office of Edward Etkin, PC 228 West End Avenue, Suite A Brooklyn, NY 11235			ART UNIT	PAPER NUMBER
			1621	
			MAIL DATE	DELIVERY MODE
			01/02/2008	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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JAN - 2 2008

EDWARD ETKIN, ESQ.  
LAW OFFICE OF EDWARD ETKIN, PC  
228 WEST END AVENUE, SUITE A  
BROOKLYN NY 11235

In re Application of  
Vladimir Zakoshansky et al  
Serial No.: 11/934,032  
Filed: November 1, 2007  
Attorney Docket No.: 1007-10ACC

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

This is a decision on the renewed petition filed December 17, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

3. Office action:

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

4. Time for Reply:

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

5. Reply by Applicant:

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

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

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

6. Information Disclosure Statement (IDS):

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

7. Post-Allowance Processing:

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

8. After-Final and Appeal Procedures:

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

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

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

9. Proceedings Outside the Normal Examination Process:

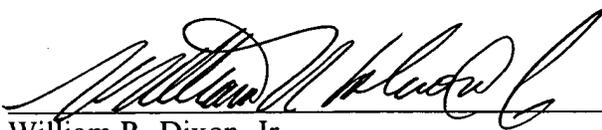
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

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

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

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



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



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

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**AUG 10 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Wang Shen et al..	:	
Application No. 11/934,049	:	DECISION ON PETITION
Filed: November 1, 2007	:	TO WITHDRAW
Attorney Docket No. 32411-706.401	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed July 8, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 24280 has been revoked by the assignee of the patent application on July 23, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: WILSON SONSINI GOODRICH & ROSATI  
650 PAGE MILL ROAD  
PALO ALTO CA 94304-1050



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L. HOWARD CHEN  
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS, LLP  
55 SECOND STREET  
# 1700  
SAN FRANCISCO CA 94105

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MAR 17 2008

**OFFICE OF PETITIONS**

In re Application of :  
Liu et al. : DECISION REFUSING STATUS  
Application No. 11/934,055 : UNDER 37 CFR 1.47(a)  
Filed: November 1, 2007 :  
Attorney Docket No. NV75 Non-prov :

This is in response to the petition under 37 CFR 1.47(a), filed February 6, 2008.

The petition is dismissed.

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

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

Pursuant to petitioner's request deposit account no. 50-3414 will be charged the \$200.00 petition fee.

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). Applicants have presented a Federal Express Receipt, which shows that the package was released without the signature of recipient. If the application papers were not presented to the inventor, his conduct cannot be construed as refusal. Petitioner has failed to present evidence that the inventor received the application papers. It is also noted that the address the application papers were mailed to, was that of San Jose, California. Petitioner should state why the application papers were mailed to the California address rather than the Texas address provided on the declaration. The declaration of Ms. Wiggins states that a phone call and message were left at the Liu residence. Any future

declaration or petition should state how it was determined that this was the correct telephone number.

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

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

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

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

As to item (4), the address provided in the 1.63 declaration differs from the address the application papers were mailed to. Petitioner should make a clear statement as to the last known address of inventor Liu.

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

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

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

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

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



Charlema Grant  
Petitions Attorney  
Office of Petitions





**PHILIP D. FREEDMAN PC**  
**1449 DRAKE LANE**  
**LANCASTER, PA 17601**

**COPY MAILED**

**APR 28 2008**

In re Application of  
**NICHOLSON, Paul D.**  
Application No. 11/934,124  
Filed: November 02, 2007  
Attorney Docket No. **reel0001A**

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 31, 2008.

The request is **APPROVED**.

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

The request was signed by Philip Freedman on behalf of all attorneys of record who are associated with customer No. 25101. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no outstanding office actions at this time.

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

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **PAUL D. NICHOLSON**  
**REEL WOOD LLC**  
**2424 WHISPERING PINES DRIVE**  
**CLAYTON, NC 27520**



**PHILIP D. FREEDMAN PC  
1449 DRAKE LANE  
LANCASTER, PA 17601**

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**AUG 1 8 2008**

**OFFICE OF PETITIONS**

In re Application of

**NICHOLSON, Paul D.**

Application No. 11/934,124

Filed: November 02, 2007

Attorney Docket No.

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**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 10, 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 Philip Freedman, the sole attorney of record. Philip Freedman has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Paul Nicholson 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: **PAUL D. NICHOLSON  
REEL WOOD LLC  
2424 WHISPERING PINES DRIVE  
CLAYTON NC 27520**



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[www.uspto.gov](http://www.uspto.gov)

**HOLME ROBERTS & OWEN LLP  
 1700 LINCOLN STREET  
 SUITE 4100  
 DENVER CO 80203**

**MAILED**

**JUL 14 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Harris et al.	:	<b>DECISION ON PETITION</b>
Application No. 11/934,128	:	<b>TO WITHDRAW</b>
Filed: November 2, 2007	:	<b>FROM RECORD</b>
Attorney Docket No. 57884-10001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 22, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Mark L. Yaskanin on behalf of all attorneys of record who are associated with Customer No. 79362.

All attorneys/agents associated with Customer Number 79362 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

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

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

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

A handwritten signature in cursive script that reads "Joan Olszewski".

Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Tricia Harris  
190 East Fruitvale Road  
Montague, MI 49437



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

Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, DELIVERY MODE. Includes application 11/934,139 by Michel Yerly, examiner BRYANT, DAVID P, art unit 3726, mail date 05/13/2009, delivery mode PAPER.

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

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.

Handwritten signature of Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment Date: 05/13/2009 BPOWELL
11/02/2007 INTEFSW 00005649 160020 11934139
02 FC:c111 255.00 CR
04 FC:2202 25.00 CR
05 FL:2201 105.00 CR

Adjustment date: 05/13/2009 BPOWELL
11/02/2007 INTEFSW 00005649 160020 11934139
02 FC:2111 255.00 CR
04 FC:2202 25.00 CR
05 FC:2201 105.00 CR



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/934,141 11/02/2007 Ryuichiro Ishizaki J-07-0024 5082

7590 07/17/2009
NEC CORPORATION OF AMERICA
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER

BOST, DWAYNE D

ART UNIT PAPER NUMBER

2617

MAIL DATE DELIVERY MODE

07/17/2009

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature: Naomi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
07/17/2009 NFARMER 0000168051

Adjustment date: 07/17/2009 NFARMER
11/02/2007 INTEFSW 00005662 11934141
02 FC:1111 -510.00 OP
04 FC:1201 -210.00 OP

CHECK Refund Total: \$720.00



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**MAY 09 2008**

**OFFICE OF PETITIONS**

BOYLE FREDRICKSON S.C.  
840 North Plankinton Avenue  
MILWAUKEE WI 53203

In re Application of  
Kent, Skaletski, Schumacher, and Derengowski  
Application No.: 11/934,163  
Filed: November 2, 2007  
Attorney Docket No:1592.001  
For: **INLAID DECORATIVE PANELS**

:  
:  
: DECISION ACCORDING  
: RULE 47(a) STATUS  
:

This is in response to the "Petition under 37 CFR 1.183 (and 1.47), to Accept the Declaration with Bennett Skaletski as an Unavailable Unsigning Inventor" filed March 6, 2008. The petition will be treated under 37 CFR 1.47(a) only as waiver under 37 CFR 1.183 is not necessary under the facts presented.

The petition is **GRANTED**.

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

The above-cited application was filed without a properly executed oath or declaration. A "Notice to File Missing Parts of Nonprovisional Application ("Notice") was mailed on December 7, 2007, which indicated that a proper declaration under 37 CFR 1.63 was missing. The Notice set forth a shortened period for reply of two months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). The instant petition was filed on March 6, 2008, and a one-month extension of time obtained.

Petitioner has shown that inventor Skaletski has refused to join the prosecution of the application<sup>1</sup>. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

The petition fee of \$200.00 will be charged to deposit account 50-1170.

<sup>1</sup> It is noted that the statement of inventor Schumacher as to the circumstances surrounding the refusal of inventor Skaletski indicates that Exhibit B of the petition is a copy of an e-mail sent by inventor Skaletski containing his express refusal. The undersigned did not find a copy of Exhibit B with the petition papers. Notwithstanding, the petition is being granted on the basis of inventor Schumacher's first-hand account of the presentation of the application papers to inventor Skaletski and his subsequent refusal to execute the declaration.

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

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



Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



John D. Lee  
6700 Fox Ridge Road  
Spotsylvania VA 22551-2925

**FEB 20 2008**

In re Application of: Lovett, Amy Lee. : DECISION ON PETITION TO  
Application No.: 11/934205 : MAKE SPECIAL FOR NEW  
Filed: November 2, 2007 : APPLICATION UNDER 37  
Title: TEAM RALLY SCARF : C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the petition filed on November 2, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

#### REGULATION AND PRACTICE

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

##### I. Conditions Regarding the Application:

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

##### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

## REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.1, 5.3, 6, 6.1, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II : 5.2, 6.2, 6.3, 6.4, and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

## Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" including pages 1-4; the "accelerated examination support document" comprising pages 1-8, and an Information Disclosure Statement including form PTO/SB/08A(substitute PTO-1449 A).

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 2 subclasses 202, 203, 204, 209, 172, 171, 174 and Dig. 2. Regarding the word search, it appears that applicant has not included all the possible variations of the term pompom, such as pom-pom with the plural option turned on, pom poms, and pompoms.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on [www.uspto.gov/web/patents/accelerated/](http://www.uspto.gov/web/patents/accelerated/) in "Guidelines for Applicants under the new accelerated examination procedures"):

*For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

First, petitioner's submission is not specific enough. Petitioner points out some limitations of some of the claims and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address each limitation and where it is found in each one of the most closely related prior art. The requirement of section II element 6.2 can be satisfied if applicant will list all the presently filed claims (i.e., the claims of the instant application) and will indicate where each limitation of each one of said presently filed claims is taught (or is not taught) in each one of the cited most closely related references, by specifically indicating the element number and/or the relevant page/paragraph and line numbers. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each one of the claims is patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, Applicant made a general patentability statement that lacks the required specificity. For these reasons, the petition does not meet the requirement of section II, element 6.3. The requirement of section II element 6.3 can be satisfied if applicant will list all the presently filed claims (i.e., the claims of the instant application) and will indicate which specific limitation(s) in each one of said presently filed claims define(s) over each one of the most closely related reference that has been cited. With regard to each dependent claim, there should be an unequivocal statement whether the patentability of each dependent claim is predicated solely on that of the claim from which it depends, or Applicant should provide a detailed explanation of patentability specific to that particular claim. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference the independent claims specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies figures and portions of text with respect to claim numbers as opposed to the required claim limitations. The requirement of section II element 6.5 can be satisfied if applicant will list all the presently filed claims and will indicate where his/her own application teaches each limitation in each one of said presently filed

claims, by indicating the element number and/or the relevant page and line numbers. Applicant's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6<sup>th</sup> paragraph, listed above. Applicant should maintain the already existing statements in this regard.

### DECISION

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

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

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

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Colleen P. Cooke, Special Program Examiner, at 571 272-1170.



Ehud Gartenberg  
Special Programs Examiner  
Technology Center 3700



John D. Lee  
6700 Fox Ridge Road  
Spotsylvania VA 22551-2925

**MAR 19 2008**

In re Application of: Lovett, Amy Lee : DECISION ON PETITION TO  
Application No.: 11/934,205 : MAKE SPECIAL FOR NEW  
Filed: November 2, 2007 : APPLICATION UNDER 37  
Title: TEAM RALLY SCARF : C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the renewed petition filed on March 14, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

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

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

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

3. Office action:

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

4. Time for Reply:

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

5. Reply by Applicant:

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

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

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

6. Information Disclosure Statement (IDS):

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

7. Post-Allowance Processing:

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

8. After-Final and Appeal Procedures:

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

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

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

9. Proceedings Outside the Normal Examination Process:

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

10. Final Disposition:

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

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

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Colleen P. Cooke, Special Program Examiner, at (571) 272-1170.

  
\_\_\_\_\_  
Ehud Gartenberg, Special Programs Examiner  
Technology Center 3700



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DHW Dec-09

MILLER THOMSON LLP  
100 STONE ROAD WEST  
SUITE 301  
GUELPH ON N1G 5L3  
CANADA

**COPY MAILED**

**DEC 09 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Jay Gunnarson : DECISION ON PETITION TO  
Application Number: 11/934248 : WITHDRAW HOLDING OF  
Filing Date: 11/02/2007 : ABANDONMENT  
Attorney Docket Number: :  
084076.0002 :

This is a decision on the petition filed on October 8, 2009, to withdraw the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

The application became abandoned on March 24, 2009, for failure to timely submit a reply to the non-final Office action mailed on December 23, 2008, which set a three (3)-month statutory period for reply. No reply having been received, Notice of Abandonment was mailed on July 30, 2009.

Petitioners aver that a reply was timely filed by facsimile on March 20, 2009. In support, petitioners have submitted a copy of the reply allegedly timely filed. The reply contains a certificate of facsimile transmission dated April 8, 2009, signed by Gillian Tavares. Petitioners have also provided a copy of the sending unit's transmission receipt, which contains an image of the certificate of facsimile transmission.

37 CFR 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, the correspondence will be considered timely if the party who forwarded such correspondence:

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

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

(3) Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.

Petitioners should provide a statement by the person who signed the Certificate of Transmission, Gillian Taveres, that attests on a personal knowledge basis to the previous timely transmission of the reply.

Further, it is noted that the facsimile transmission report lists the facsimile number dialed on the sending facsimile unit as "1\*477\*0840760002\*15712738300". The purpose of the substantial number of digits listed as dialed prior to the USPTO fax number, however, is unknown. The Office, therefore, requests clarification that the fax was in fact sent to the USPTO facsimile telephone number.

The petition is therefore dismissed, but the dismissal is without prejudice to reconsideration pending submission of the items requested above.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. **This period may not be extended.**<sup>1</sup>

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

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

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

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

A reply may also be filed via the EFS-Web system of the USPTO.

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



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

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<sup>1</sup> 37 CFR 1.181(f).



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SUITE 301  
GUELPH ON N1G 5L3  
CANADA

**MAILED**

**MAR 26 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Jay Gunnarson :  
Application Number: 11/934248 : ON PETITION  
Filing Date: 11/02/2007 :  
Attorney Docket Number: :  
084076.0002 :

This is a decision on the renewed petition, filed on January 19, 2010, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned on March 24, 2009, for failure to timely submit a reply to the non-final Office action mailed on December 23, 2008, which set a three (3)-month shortened statutory period for reply. No reply having been received, Notice of Abandonment was mailed on July 30, 2009.

Petitioners again aver that a reply was timely filed by facsimile on March 20, 2009. In support, petitioners have supplied a copy of the reply allegedly timely filed. The reply contains a certificate of facsimile transmission dated March 20, 2009, signed by Gillian Tavares.

37 CFR 1.8(b) states:

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

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

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

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

A statement by Gillian Tavares has been provided with the renewed petition attesting on a personal knowledge basis to the previous timely transmission of the reply, and also including an explanation of the digits occurring before the Office fax number.

As petitioners have provided convincing evidence that an amendment was transmitted to the USPTO on March 20, 2009, the showing of record is that a response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The holding of abandonment is withdrawn, and the notice of abandonment is vacated.

The application is being referred to Technology Center Art Unit 3721 for further processing.

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



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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MR. JOSEPH E. SCHOENHOLTZ JR.  
LAW OFFICE OF JOSEPH E. SCHOENHOLTZ JR.  
254 COLLEGE AVENUE, F  
PALO ALTO, CA 94306

**MAILED**

SEP 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Chun Ying Lin, et al.	:	
Application No. 11/934,287	:	DECISION ON PETITION
Filed: November 2, 2007	:	TO WITHDRAW
Attorney Docket No. 18506-100	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Law Office of Joseph E. Schoenholtz has been revoked by the assignee of the patent application on August 3, 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 inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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

cc: WPAT, PC  
INTELLECTUAL PROPERTY ATTORNEYS  
2030 MAIN STREET  
SUITE 1300  
IRVINE, CA 92614



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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

*In re* Application of: :  
PURSIFULL, ROSS DYKSTRA et al :  
Serial No.: 11/934,341 :  
Filed: Nov. 2, 2007 :  
Docket: 81170542 : DECISION ON PETITION  
Title: LIFT PUMP CONTROL FOR A TWO :  
PUMP DIRECT INJECTION FUEL :  
SYSTEM :

This is a decision on the petition filed on October 12, 2009 seeking withdrawal of the finality of the Office action mailed July 16, 2009. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the October 12, 2009 petition, the petitioner requests the finality of the Office action of July 16, 2009 be reconsidered and withdrawn because the applicant believes that the final rejection of July 16, 2008 contains a restriction requirement for the first time. The applicant has no opportunity to request for reconsideration of the constructive election. A review of the record shows that the instant petition was filed more than two months after the mailing date of the final Office action of July 16, 2009. Pursuant to 37 CFR 1.181(f)<sup>1</sup>, the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested withdrawal of finality of the Office action of July 16, 2009 will not be granted. However, on October 12, 2009, the applicant filed a Rule 116 amendment arguing the merits of the elected claims 1-8 and 10-17 and traversing the restriction requirement of July 16, 2009. The examiner is directed to consider the Rule 116 amendment of October 12, 2009 and answer all arguments presented regarding the alleged improper restriction requirement.

In view of the record, petitioner's request to withdraw the finality of the Office action dated July 16, 2009 is dismissed as untimely.

<sup>1</sup> 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3747 for consideration of the Rule 116 amendment and reconsideration of the restriction requirement filed on October 12, 2009.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.



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Robert Olszewski, Director  
Technology Center 3700



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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

12/10/09

*In re* Application of:  
PURSIFULL, ROSS DYKSTRA et al  
Serial No.: 11/934,341  
Filed: Nov. 2, 2007  
Docket: 81170542  
Title: LIFT PUMP CONTROL FOR A TWO  
PUMP DIRECT INJECTION FUEL  
SYSTEM

:  
:  
:  
:  
DECISION ON PETITION TO  
WITHDRAW RESTRICTION  
REQUIREMENT UNDER 37  
CFR § 1.144

This is a decision on the petition filed November 16, 2009 under 37 CFR 1.181 requesting withdrawal of the restriction requirement of July 16, 2009. This petition is being considered pursuant to 37 CFR § 1.144 and 37 CFR § 1.181, and no fee is required.

The petition is dismissed.

The record shows the following relevant facts:

1. In the July 16, 2009 Office action, a Final Rejection was issued and a restriction requirement based on constructive election was made upon two species or embodiments: (1) claims 1-8 and 10-17; and (2) claims 21-24. Additionally, claims 1-8 and 10-17 were considered constructively elected and properly rejected in the Office action. Claims 21-24 were withdrawn from consideration due to non-elected species or embodiment.
2. On October 12, 2009, a Rule 116 amendment was filed. In the amendment, the applicant did not traverse the rejection and but traversed the restriction requirement. In particular, the applicant questioned the propriety of the examiner's election of species requirement.
3. In response, on November 12, 2009, the examiner mailed an Advisory Action. The examiner explained why the embodiments/species are patentably distinct and contain mutually exclusive characteristics of claim elements. Therefore, the election of species was proper.
4. On November 16, 2009, the applicant filed an RCE along with an amendment to the claims.
5. On November 16, 2009, the present petition was filed and the petitioner requests the restriction requirement of the July 16, 2009 Office action be reviewed and withdrawn.

Discussion and Analysis

In the November 16, 2009 petition, the petitioner requests withdrawal of the restriction requirement imposed in the July 16, 2009 Office action. The petitioner asserts that the restriction

requirement was improper because the restriction was not timely made and unsupported by the evidence of record.

In the petition, the petitioner argues that the restriction was first made in the final rejection which was untimely. The argument is not persuasive because the restriction was necessitated by the applicant's newly added claims 21-24 which are directed to a separate patentably distinct species or embodiments. Since the applicant has received an action on the merits, the election of previously examined claims 1-10 and 10-17 was deemed to be constructively elected under MPEP § 821.03. Under the circumstances, the restriction requirement of July 16, 2009 was considered timely made under MPEP § 811.

Pursuant to MPEP 803, there are two criteria for a proper restriction requirement: (1) the inventions must be independent or distinct as claimed and (2) there would be a serious burden on the examiner if restriction is not required.

In the petition, petitioner in essence argues that the examiner failed to show the claimed species are distinct in the restriction requirement of July 16, 2009. The examiner's assertion of distinctness was not supported by any reasons and/or examples to support the conclusions as required by MPEP §803. Petitioner further argues that the claims do overlap in scope. In particular, claim 21, like claim 11, requires operating a lift pump in a first mode during a first operating condition of an internal combustion engine, said lift pump supplying fuel to an injection pump that supplies fuel to fuel injectors that directly inject fuel to a cylinder, said first mode comprising adjusting energy supplied to said lift pump as output from a sensor located downstream of said injection pump varies while said injector pump is deactivated. Therefore, claims 11 and 21 each have common and overlapping conditions. As such, there is at least some overlap in scope between claims 11 and 21, thereby rendering the requirement for restriction improper. In this regard, examiner in the Advisory Action of November 12, 2009 has addressed this issue. However, in the restriction requirement of July 16, 2009, the examiner failed to address the issue of serious search burden if the restriction is not required. Therefore, the restriction requirement promulgated on July 16, 2009 is incomplete.

It is noted the applicant has filed an amendment to the claims with the RCE on November 16, 2009. The amendment to independent claims 1, 11 and 21 may affect the pending election of species requirement, e.g. presence of generic claim(s). The original election of species requirement of July 16, 2009 may no longer applicable in view of the amendment to the claims.

In finding petitioner's points of argument persuasive, the restriction of July 16, 2009 is hereby withdrawn. The examiner is directed to either totally withdraw the restriction requirement and examine all pending claims or re-mail a complete restriction setting forth reasons and examples of distinctness of each disclosed and claimed species in accordance with MPEP § 802.01.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3747 for the examiner's consideration of the applicant response and claim amendment filed on November 16, 2009 and preparation of an Office action consistent with this decision. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

The petition is **DISMISSED.**

A handwritten signature in black ink, appearing to read 'R. Olszewski', written over a horizontal line.

Robert Olszewski, Director  
Technology Center 3700



**MAIL**

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

AUG 18 2009  
DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

In re Application of :  
ISHIMOTO, KOICHI : DECISION ON REQUEST TO  
Application No. 11/934,346 : PARTICIPATE IN PATENT  
Filed: November 02, 2007 : PROSECUTION HIGHWAY  
Attorney Docket No. 01272.136071. : 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 26, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

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

  
Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



**KANG INTELLECTUAL PROPERTY LAW, LLC  
214 ELM STREET, SUITE 106  
WASHINGTON MO 63090**

**COPY MAILED  
NOV 24 2008**

In re Application of :  
Jan PETZEL et al. :  
Application No. 11/934,355 : **DECISION ON PETITION**  
Filed: September 02, 2007 :  
Attorney Docket No. 41587.0158US (427) :

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed November 29, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 30, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees and oath or declaration; (2) the petition fee of \$1,540.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of November 29, 2007 is accepted as having been unintentionally delayed.

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

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

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOV 23 2007

FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON DC 20007

In re Application of  
William Vainchenker et al  
Serial No.: 11/934,359  
Filed: November 2, 2007  
Attorney Docket No.: 065691-0507

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

This is a decision on the petition filed November 2, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

3. Office action:

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

4. Time for Reply:

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

5. Reply by Applicant:

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

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

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

6. Information Disclosure Statement (IDS):

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

7. Post-Allowance Processing:

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

8. After-Final and Appeal Procedures:

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

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

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

9. Proceedings Outside the Normal Examination Process:

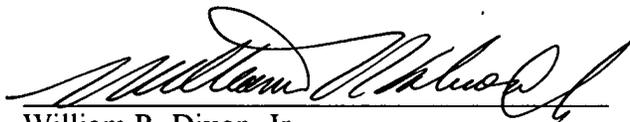
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

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

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

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



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



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Samuel David Hawkins

:  
:

Application No. 11934366

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

Filed: November 2, 2007

:

Attorney Docket No. TUB 001 P2

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-JUN-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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



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SMART & BIGGAR  
438 UNIVERSITY AVENUE  
BOX 111, Suite 1500  
Toronto ON M5G 2K8 CA CANADA

**MAILED**

**MAR 25 2010**

**OFFICE OF PETITIONS**

Applicant: Craig Eric Ranta

Appl. No.: 11/934,404

Filing Date: November 2, 2007

Title: ADJUSTING ACOUSTIC SPEAKER OUTPUT BASED ON AN ESTIMATED  
DEGREE OF SEAL OF AN EAR ABOUT A SPEAKER PORT

Pub. No.: US 2009/0116666 A1

Pub. Date: May 7, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on July 7, 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



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.
11/934,423	11/02/2007	Richard H. Harris	RPS920070188US1	5681

59369 7590 12/11/2007  
CANTOR COLBURN LLP - IBM RESEARCH TRIANGLE PARK  
55 GRIFFIN ROAD SOUTH  
BLOOMFIELD, CT 06002

EXAMINER
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ART UNIT	PAPER NUMBER
2876	

MAIL DATE	DELIVERY MODE
12/11/2007	PAPER

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

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



CANTOR COLBURN LLP  
IBM RESEARCH TRIANGLE PARK  
55 GRIFFIN ROAD SOUTH  
BLOOMFIELD CT 06002

11 2007

In re Application of:	:	
HARRIS et al.	:	DECISION ON PETITION TO
Serial No.: 11/934,423	:	MAKE SPECIAL FOR NEW
Filed: November 2, 2007	:	APPLICATION UNDER 37
Title: Combined Magnetic Shield Member and	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
Pressure Pad for a Magnetic Reader	:	

This is a decision on the petition filed on November 2, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

#### REGULATION AND PRACTICE

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

##### I. Conditions Regarding the Application:

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

##### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview;
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and
  - 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:
- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
  - 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
  - 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
  - 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
  - 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and
  - 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-4 and 6) are considered to have been met. However, the petition fails to comply with the all the conditions set forth in section II, subsection 5. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of section II, subsection 5.1, it appears the search outlined in the petition omitted critical search areas by not searching in class 235 subclasses 439 and 449 and class 360, subclasses 281.6 and 319. At a minimum, these searches should be performed to include the particular type of structure to sense coded indicia and the structure for providing shielding from electrical or magnetic fields. Any renewed petition should include the above outlined additional searching.

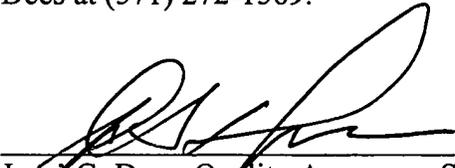
## DECISION

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

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

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

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.



---

Jose' G. Dees, Quality Assurance Specialist  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components

# DECISION ON PETITION ROUTING SLIP

Application No.: 11934423



Art Unit: 2821

**For Director's Secretary:**

**Granted**
                         
  **Denied**
                         
  **Dismissed**

- Decision to be reviewed and signed by Director
- Mail Decision & enter decision in Petition Database
- Forward a copy of the mailed decision to IFW for scanning
- Enter Paper Nos  and the decision in PALM
- Other

**For TECH Support Staff:**

- Process and enter Paper Nos.
- Charge  fee to D.A. No

Other

Forward file to

SPRE No. 1:	SPRE No. 2:	SPRE No. 3:	SPRE No. 4:
Hien Phan SPRE Jeff-8D55 (571) 272-1606 	Jose Dees SPRE Jeff-8D59 (571) 272-1569 	Clayton E. LaBalle SPRE Jeff-8D51 (571) 272-1594 	Ed Westin SPRE Jeff-8D65 (571) 272-1638 



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/934,423	11/02/2007	Richard H. Harris	RPS920070188US1	5681

59369 7590 02/05/2008  
CANTOR COLBURN LLP - IBM RESEARCH TRIANGLE PARK  
20 Church Street  
22nd Floor  
Hartford, CT 06103

EXAMINER
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ART UNIT	PAPER NUMBER
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2876

MAIL DATE	DELIVERY MODE
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02/05/2008

PAPER

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

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



CANTOR COLBURN LLP  
IBM RESEARCH TRIANGLE PARK  
20 Church Street  
22nd Floor  
Hartford, CT 06103

**FEB - 5 2008**

In re Application of:  
HARRIS et al.  
Serial No.: 11/934,423  
Filed: November 2, 2007  
Title.: Combined Magnetic Shield Member and  
Pressure Pad for a Magnetic Reader

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

This is a decision on the request for reconsideration of the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed January 9, 2008. The petition to make special under 37 C.F.R. § 1.102(d) was dismissed on December 11, 2007.

The petition to make the application special is GRANTED.

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

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

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

3. Office action:

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

4. Time for Reply:

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

5. Reply by Applicant:

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

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

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

6. Information Disclosure Statement (IDS):

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

7. Post-Allowance Processing:

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

8. After-Final and Appeal Procedures:

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

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

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

9. Proceedings Outside the Normal Examination Process:

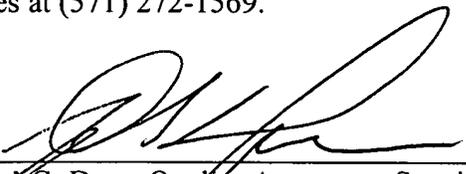
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

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

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

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

  
\_\_\_\_\_  
Jose' G. Dees, Quality Assurance Specialist  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/934,423                      11/02/2007                      Richard H. Harris                      RPS920070188US1                      5681

59369                      7590                      02/05/2008  
CANTOR COLBURN LLP - IBM RESEARCH TRIANGLE PARK  
20 Church Street  
22nd Floor  
Hartford, CT 06103

EXAMINER
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ART UNIT	PAPER NUMBER
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2876

MAIL DATE	DELIVERY MODE
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02/05/2008                      PAPER

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

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



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CANTOR COLBURN LLP  
IBM RESEARCH TRIANGLE PARK  
20 Church Street  
22nd Floor  
Hartford, CT 06103

FEB -5 2008

In re Application of:  
HARRIS et al.  
Serial No.: 11/934,423  
Filed: November 2, 2007  
Title.: Combined Magnetic Shield Member and  
Pressure Pad for a Magnetic Reader

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

This is a decision on the request for reconsideration of the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed January 9, 2008. The petition to make special under 37 C.F.R. § 1.102(d) was dismissed on December 11, 2007.

The petition to make the application special is GRANTED.

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

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

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

3. Office action:

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

4. Time for Reply:

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

5. Reply by Applicant:

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

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

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

6. Information Disclosure Statement (IDS):

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

7. Post-Allowance Processing:

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

8. After-Final and Appeal Procedures:

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

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

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

9. Proceedings Outside the Normal Examination Process:

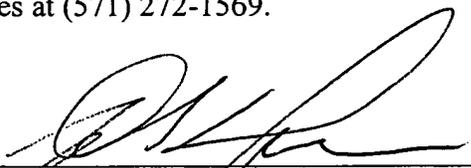
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

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

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

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.



---

Jose' G. Dees, Quality Assurance Specialist  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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**BUSKOP LAW GROUP, P.C.**  
**4511 DACOMA STREET**  
**HOUSTON, TX 77092**

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**NOV 30 2007**

In re Application of  
Arnold Bennett GHORMLEY  
Application No. 11/934,429  
Filed: November 2, 2007  
Attorney Docket No. 1603.002

**OFFICE OF PETITIONS**

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

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 2, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

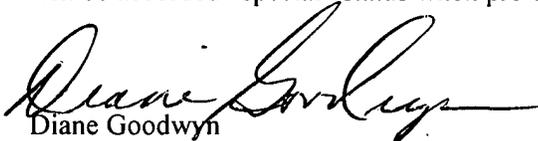
The petition is **GRANTED**.

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

The instant petition includes a copy of applicant's driver license. Accordingly, the above-identified application has been accorded "special" status.

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

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

  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions



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HEAD, JOHNSON & KACHIGIAN  
228 W 17TH PLACE  
TULSA, OK 74119

Mail Date: 04/21/2010

<b>Applicant</b>	: Kenneth B. Kazarian	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7594997	: RECALCULATION of PATENT
<b>Issue Date</b>	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/934,430	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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**OFFICE OF PETITIONS**

**CHOATE, HALL & STEWART LLP/WYETH  
Patent Group  
Two International Place  
Boston, MA 02110**

In re Application of  
Wenge Wang, et al.  
Application No. 11/934,458  
Filed: November 2, 2007  
Attorney Docket No. AM101916

:  
:  
: **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 10, 2009.

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

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart LLP/Wyeth has been revoked by the assignee of the patent application on September 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 Terri Johnson at 571-272-2991.

Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **WYETH  
Patent Law Group  
5 Giralda Farms  
Madison, NJ 07940**



GREENBERG TRAUIG, LLP  
200 PARK AVE.  
P.O. BOX 677  
FLORHAM PARK, NJ 07932

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**OFFICE OF PETITIONS**

In re Application of :  
Henry Mattesky :  
Application No. 11/934,495 :  
Filed: November 2, 2007 :  
Attorney Docket No. 100486-011301 :

**DECISION ON PETITION**

This is a decision on the petition, filed November 18, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Missing Parts (Notice) mailed November 16, 2007, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on July 25, 2008.

Petitioner asserts that the Notice dated November 16, 2007 was not received.

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

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the nonreceived Notice would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This matter is being referred to the Office of Patent Application Processing for re-mailing the Notice of November 16, 2007. The period for reply will run from the mailing date of the Notice.



Irvin Dingle  
Petitions Examiner  
Office of Petitions



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In re Application of :  
Inventor, et al. :  
Application No. 11/934,508 : DECISION ON PETITION  
Filing Date: August 7, 2000 :  
For: DIASERVE, INC.: :

:

This is a decision on the petition under 37 CFR § 1.48(a) filed April 20, 2010.

On April 20, 2010, the present petition and the \$130.00 petition fee were filed. Petitioners request amendment of the inventorship to include Michael A. Nelson and Michael Riebel. In support of the petition, a statement from inventors Michael A. Nelson and Michael Riebel that the error in inventorship occurred without deceptive intention on their part, has been included. Also submitted was a declaration under 37 CFR § 1.63 signed by each of the inventors. Petitioner requests that inventor Riebel be added as an actual inventor of the above-identified patent application.

37 CFR 1.48 Correction of inventorship states, in part:

*(a) If the inventive entity is set forth in error in an executed 1.63 oath or declaration in an application, other than a reissue application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the application may be amended to name onth the actual inventor or inventors. . . . Such amendment must be accompanied by:*

*(1) A petition including 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 herpart;*

*(2) An oath or declaration by each actual inventor or inventors as required by § 1.63 or as permitted by 1.42, 1.43 or 1.47;*

*(3) The fee set forth in § 1.17(i); and*

*(4) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 3.73(b)).*

Patent No. 6,686,205

2

A review of the record reveals that petitioner has complied with all the conditions in 37 CFR § 1.48(a). The petition is granted. A corrected filing receipt will be issued naming the actual inventors of the above-identified patent, namely, Michael A. Nelson and Michael Riebel.

**PETITION GRANTED**

Peter Szekely  
Primary Examiner  
Art Unit 1796  
Technology Center 1700  
Chemical Materials & Engineering



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PATTON BOGGS LLP  
1801 CALIFORNIA STREET  
SUITE 4900  
DENVER, CO 80202

Mail Date: 04/21/2010

<b>Applicant</b>	: Ronald Waldorf	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7614745	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/934,539	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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.



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

Mail Date: 04/20/2010

<b>Applicant</b>	: Anand Hariraj Udupa	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7576668	: RECALCULATION of PATENT
<b>Issue Date</b>	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/934,611	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/02/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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



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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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FROM DIRECTOR'S OFFICE

DEC 13 2007

TECHNOLOGY CENTER 3600

John R. Wahl  
GREENBERG TRAURIG, LLP  
2450 Colorado Avenue, Suite 400E  
Santa Monica, CA 90404

In re application of	:	
Nathan Frankel	:	DECISION ON PETITION
Application No. 11/934,617	:	TO MAKE SPECIAL FOR
Filed: November 2, 2007	:	NEW APPLICATION
For: LOADING ASSEMBLY FOR	:	UNDER 37 CFR 1.102
TRANSPORT CONTAINERS AND	:	
RELATED METHOD OF USE	:	

This is a decision on the petition filed on November 2, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview;
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications; foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;
  - 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:
- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
  - 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
  - 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
  - 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
  - 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-

function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

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

### REVIEW OF FACTS

The petition fails to comply with conditions II.5.2, II.6.2, II.6.3 and II.6.5 above.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. With respect to the classification search, in addition to the areas already searched, the search needs to include a search of 414/277-282, 395, 600 and 661.

Additionally the indication in the Support Document that the prior art "teaches nothing" with respect to some of the claims exposes additional evidence of the search not encompassing the claimed invention. For example, many of the claims, for example, but certainly not limited to, claims 3 and 6, appear to contain limitations that are quite common and it strains credulity to assert that nowhere in the prior art are located these additional claimed limitations. It appears that the search may have been completed on the concept of the disclosed invention rather than the "claimed invention " as is required.

As to conditions II.6.2, the methodology employed by the applicant in identifying all the claim limitations present in the references is acceptable. However, since applicant did not file two separate IDS, all references cited in the information disclosure statement must be so analyzed as they are provided in support of the petition. Also, it is presumed that when the complete and proper search is completed many more relevant references will be discovered and will require the analysis, above.

As to condition II.6.3, nor is there a sufficiently detailed explanation of claim Patentability over each of the references. As provided for above, specifically reciting what portions of limitations are taught and what specific portions of limitations make the claim patentable over the cited references is necessary. An explanation furthermore needs to be made to specify whether the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. The USPTO website has an example of the proper manner of documenting limitations taught by cited art for an

Accelerated Examination Support Document at:  
<http://www.uspto.gov/web/patents/accelerated/>.

As to condition II.6.5, applicant has provided support under 35 USC 112, 1<sup>st</sup> paragraph with respect to the parent applications, however, the support under 35 USC 112, 1<sup>st</sup> paragraph, for each specific limitation of each claim must be shown by its specific location in the specification of the instant application. Also, applicant has failed to provide support under 35 USC 112, 1<sup>st</sup> paragraph for claim 20.

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

#### DECISION

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

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

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

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.



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Teri P. Luu  
Quality Assurance Specialist  
Technology Center 3600



NOVAK DRUCE + QUIGG LLP  
1300 EYE STREET NW  
SUITE 1000 WEST TOWER  
WASHINGTON DC 20005

**MAILED**

**MAY 27 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Niedziela, et al.	:	
Application No. 11/934,626	:	<b>DECISION</b>
Filed/Deposited: 2 November, 2007	:	
Attorney Docket No. 7298.170.CNUS01	:	

This is a decision on the petition, filed on 22 January, 2010, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

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

As to the Allegations  
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

*Petitioners attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Drawings Requirement of the Notice of Allowance/Allowability and Fees Due mailed on 17 September, 2009, with reply due under a non-extendable deadline on or before 17 December, 2009.

The application went abandoned by operation of law after midnight 17 December, 2009.

The Office mailed the Notice of Abandonment on 7 January, 2010.

On 22 January, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a statement of unintentional delay and a reply in the form of drawings required.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).<sup>2</sup> The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.<sup>3</sup>))

#### As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>2</sup> 35 U.S.C. §133 provides:

**35 U.S.C. §133 Time for prosecuting application.**

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

<sup>3</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>4</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>4</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MEDICINELODGE INC.**  
**180 SOUTH 600 WEST**  
**LOGAN UT 84321**

**COPY MAILED**

**JUN 20 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Farr et al.	:	
Application No. 11/934,636	:	DECISION GRANTING PETITION
Filed: November 2, 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. INS-3	:	

This is a decision on the petition, filed May 7, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on November 5, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of September 25, 2008, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 3733 for examination in due course.

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



Liana Walsh  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/934,636	11/02/2007	Morteza Farr	INS-3

CONFIRMATION NO. 6168

44270  
MEDICINELODGE INC.  
180 SOUTH 600 WEST  
LOGAN, UT 84321

NONPUBLICATION RESCISSION  
LETTER



OC000000030561737

Date Mailed: 06/19/2008

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

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

The projected publication date is 09/25/2008.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> then no notice of foreign filing is required.

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

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

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

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

/lswalsh/

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



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**FOLEY & LARDNER LLP**  
**975 PAGE MILL ROAD**  
**PALO ALTO CA 94304**

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**SEP 04 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Heather Kay Webb Hsu	:	DECISION ON PETITION
Application No. 11/934,642	:	TO WITHDRAW
Filed: November 2, 2007	:	FROM RECORD
Attorney Docket No. 074019-1001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed July 14, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Foley & Lardner, LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. Additionally, the Power of Attorney from Assignee submitted May 22, 2008 and June 2, 2008 did not include a Statement under 37 CFR 3.73(b) and was therefore erroneously accepted on June 3, 2008. Since no proper Statement under 37 CFR § 3.73(b) was submitted the request was improper. Currently, there is no Power of Attorney in the above-identified application. Petitioner is designated only as the Correspondence Address according to the Application Data Sheet filed November 2, 2008.

Accordingly, all future communications from the Office will be directed solely to the above current address of record until proper instructions have been received.

Currently, there is an outstanding Office action mailed August 24, 2009 that requires a reply.

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

Joan Olszewski  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Donald E. Gillespie

Application No. 11934651

Filed: November 2, 2007

Attorney Docket No. 2448.2.1

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:

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

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

The petition is **GRANTED**.

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

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

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

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

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

<b>PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)</b>					
<b>Application Information</b>					
Application Number	11934651	Confirmation Number	6200	Filing Date	2007-11-02
Attorney Docket Number (optional)	2248.2.1	Art Unit		Examiner	
First Named Inventor	Donald E. Gillespie				
Title of Invention	APPARATUS, SYSTEM, AND METHOD FOR OPERATING A DUAL FUELED SPARK IGNITION ENGINE				
<p><b>Attention: Office of Petitions</b>            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).</p> <p>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.</p> <p>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.</p>					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Donald	E.	Gillespie			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/Brian C. Kunzler/		Date (YYYY-MM-DD)	2008-05-15	
Name	Brian C. Kunzler		Registration Number	38527	

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



IPSG, P.C.  
P.O. BOX 700640  
SAN JOSE CA 95170

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MAR 31 2009

**OFFICE OF PETITIONS**

In re Application of :  
Shi et al. : DECISION ON PETITION  
Application Number: 11/934691 :  
Filing Date: 11/02/2007 :  
Attorney Docket Number: OBRB- :  
P002 :

This is a decision on the petition under 37 CFR 1.137(f),<sup>1</sup> filed on October 28, 2008, to revive the above-identified application.

The petition is **dismissed** as inappropriate for the reasons stated below.

The record discloses that, on November 2, 2007, the date of filing of the instant application, a Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) was filed certifying that "the invention disclosed in the attached **application has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing."

The present petition was filed on October 28, 2008. Petitioners state that an international or foreign application corresponding to the instant application was filed on November 1, 2007, a date prior to the date that the instant application was filed. In this regard, the petition contained a Notice of Foreign or International Filing pursuant to 35 U.S.C. 122(b)(2)(B)(iii) stating that subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing of the subsequently filed foreign or international application is November 1, 2007.

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<sup>1</sup> 37 CFR 1.137(f) provides for revival of a nonprovisional application which became abandoned pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing.

The instant nonprovisional application did not become abandoned as a result of the filing of a corresponding application filed in another country, or under a multilateral international agreement, **subsequent** to the filing of the present application. In this regard, 35 U.S.C. § 122(b)(2)(B)(iii) states:

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

The facts of this case are that the subject application was filed on November 2, 2007, and the corresponding foreign or international application was filed on November 1, 2007. The statute does not provide for the situation where a certification under 35 U.S.C. § 122(b)(2)(B)(i) was made, despite the fact that an application was filed on a prior date in another country or under the multilateral international agreement. In view of petitioner's statement that the corresponding foreign or international application was filed on November 1, 2007, a date prior to the date of filing of the subject application, the filing of the corresponding foreign application cannot be considered to have been filed **subsequent** to the filing of the subject application in the United States. The statute at 35 U.S.C. § 122(b)(2)(B)(iii) only provides for revival in the situation where a certification was made under 35 U.S.C. § 122(b)(2)(B)(i) at the time of filing the application and an application was **subsequently** filed in a foreign country without notifying the Office within 45 days of the filing thereof.

Since the corresponding foreign or international application was either filed on the same date or filed prior to the filing date (this would be true if the corresponding foreign or international application has a filing date of November 1, 2007) as the subject application, this application did not become abandoned pursuant

to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii). Therefore, a petition to revive pursuant to the provisions of 37 CFR 1.137(f) is inappropriate and, consequently, must be dismissed.

As requested, the Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, reflecting a projected publication date of February 12, 2009, was mailed on November 4, 2008.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition.<sup>2</sup> Accordingly, the required petition fee has been received.

The application is being referred to Technology Center Art Unit 2613 for examination in due course.

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



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

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<sup>2</sup> See 35 U.S.C. § 41(c)(7).



JENSEN + PUNTIGAM, PS  
2033 6<sup>TH</sup> AVE, SUITE 1020  
SEATTLE, WA 98121

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APR 30 2009

**OFFICE OF PETITIONS**

In re Application of :  
Scott C. Tomchick :  
Application No. 11/934,694 : DECISION ON PETITION  
Filed: November 2, 2007 :  
Attorney Docket No. 113-61 :

This is a decision on the petition, filed February 4, 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 **DISMISSED**.

A review of the written record indicates that January 28, 2008, the Office mailed a Notice to File Missing Parts of Non-provisional Application (Notice), which set a two month shortened statutory period to reply. The application became abandoned on March 28, 2008 for failure to submit a timely response to the Notice. On January 29, 2009, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to the timely submission of the reply to the Notice. Specifically, petitioner states that a complete reply was timely filed via EFS Web on April 18, 2008.

The petitioner failed to file a proper extension of time to render the reply timely. The Notice mailed on January 28, 2008 stated that applicants may purchase extensions of time under the provisions of 37 CFR 1.136(a). Since extensions of time were still available pursuant to 37 CFR 1.136(a), it is incumbent upon applicants to recognize the date for reply so that the proper fee for any extension will be submitted. Thus, the date upon which any reply is due will normally be indicated only in those instances where the provisions of 37 CFR 1.136(a) are not available. Therefore as the petitioner gave no previous authorization to charge any additional fees to a deposit account resulted in the reply as being considered untimely filed.



Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Patent Application Papers on their hotline 571-272-4000.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



JENSEN + PUNTIGAM, P.S.  
2033 6TH AVE, SUITE 1020  
SEATTLE, WA 98121

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JUL 08 2009

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Scott C. Tomchick	:	
Application No. 11/934,694	:	DECISION ON PETITION
Filed: November 2, 2007	:	
Attorney Docket No. 113-61	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 15, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed January 28, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath/declaration, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concern this application should be directed to the Office of Patent Application Papers at their hotline 571-272-4100.

This application is being referred to the Office of Patent Application Papers for pre-examination processing of the reply preciously filed February 4, 2009.

  
 April M. Wise  
 Petitions Examiner  
 Office of Petitions



Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**FOLEY & LARDNER LLP**  
**975 PAGE MILL ROAD**  
**PALO ALTO CA 94304**

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SEP 04 2009

**OFFICE OF PETITIONS**

In re Application of	:	
Patel et al.	:	DECISION ON PETITION
Application No. 11/934,698	:	TO WITHDRAW
Filed: November 2, 2007	:	FROM RECORD
Attorney Docket No. 074019-0552	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed July 14, 2009, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Foley & Lardner, LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. Additionally, the Power of Attorney from Assignee submitted April 3, 2008 did not include a Statement under 37 CFR 3.73(b) and was therefore erroneously accepted on April 11, 2008. Since no proper Statement under 37 CFR § 3.73(b) was submitted the request was improper. Currently, there is no Power of Attorney in the above-identified application. Petitioner is designated only as the Correspondence Address according to the Application Data Sheet filed November 2, 2007.

Accordingly, all future communications from the Office will be directed solely to the above current address of record until proper instructions have been received.

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

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

Joan Olszewski  
 Petitions Examiner  
 Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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LATTICE SEMICONDUCTOR CORPORATION  
5555 NE MOORE COURT  
HILLSBORO, OR 97124-6421

Mail Date: 04/20/2010

**Applicant** : Om Agrawal : DECISION ON REQUEST FOR  
**Patent Number** : 7573291 : RECALCULATION of PATENT  
**Issue Date** : 08/11/2009 : TERM ADJUSTMENT IN VIEW  
**Appliction No** : 11/934,711 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/02/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

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

The patent term adjustment has been determined to be **131** 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.



VISTA IP LAW GROUP, LLP  
2040 MAIN STREET  
9TH FLOOR  
IRVINE, CA 92614

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OCT 15 2008

**OFFICE OF PETITIONS**

In re Application of :  
Paul Milton Meadow, et al. :  
Application No. 11/934,731 : **DECISION ON PETITION**  
Filed: November 2, 2007 : **TO WITHDRAW**  
Attorney Docket No. 07-00194-01 : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 2008.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, “ownership transfer of listed patents and patent applications”, does not meet any of the conditions set forth in 37 CFR 10.40.

The request to withdraw less than all attorneys appointed by customer number 23410 cannot be approved. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest who

appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

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

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

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



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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LEONG C. LEI  
PMB # 1008  
1867 YGNACIO VALLEY ROAD  
WALNUT CREEK CA 94598

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**OCT 09 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Wen-Chiang Chiang	:	
Application No. 11/934,794	:	DECISION GRANTING
Filed: November 5, 2007	:	PETITION
Attorney Docket No. FP12927	:	

This is a decision on the petition filed January 10, 2008, to consider the drawing sheet of Figure (6), to be part of the application and to accord the above-identified application a filing date of January 11, 2008, the date the drawing sheet of Figure (6) was filed with the Office.

The petition is **GRANTED**.

The application was filed on November 5, 2007.

On December 7, 2007, the Office of Patent Application Processing (OPAP) mailed a Notice stating that Figure (6) described in the specification did not appear to be included as part of the application filed.

In response, the present petition supplies the omitted item Figure (6) and requests that the date that the drawing sheet of Figure (6), omitted item being supplied be the filing date of the application.

The application will be accorded a filing date of January 11, 2008. The drawing sheet of Figure (6) will be entered as part of the application.

The Office of Patent Application Processing will further process the file with a filing date of January 11, 2008, using the application papers filed on November 5, 2007, and the copy of the papers including the drawing sheet of Figure (6) filed on January 11, 2008.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3208. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

A handwritten signature in black ink that reads "Karen Creasy". The signature is written in a cursive style with a large, stylized 'K' and 'C'.

Karen Creasy  
Petitions Examiner  
Office of Petitions



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Paper No.

LOUIS J. WILLE  
BRISTOL-MYERS SQUIBB COMPANY  
PATENT DEPARTMENT  
P O BOX 4000  
PRINCETON NJ 08543-4000

**MAILED**

**JUL 01 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Sin et al. :  
Application No. 11/934,840 : LETTER REGARDING  
Filed: November 5, 2007 : PATENT TERM ADJUSTMENT  
Attorney Docket No. 10820-US-NP :  
Title: HEPATITIS C VIRUS :  
INHIBITORS :

This is a decision on the "APPLICATION TO CORRECT PATENT TERM ADJUSTMENT PERIOD IN PATENT APPLICATION UNDER 37 C.F.R. §§ 1.181 & 1.705(b)," filed February 2, 2010. Patentees request that the patent term adjustment indicated on the Notice of Allowance and Issue Fee Due be corrected from sixty-four (64) days to one hundred and ninety-one (191) days.

The request for reconsideration 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 **one hundred and ninety-one (191)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

A Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) was mailed on December 16, 2009, with an indication that the patent term adjustment to date was 64 days.

Applicants have disputed one period of delay: the 127-day reduction associated with the filing of a supplemental response on November 17, 2009. 37 CFR § 1.704(c)(8) indicates that the

submission of a supplemental reply, other than a supplemental reply expressly requested by the examiner, after a reply has been filed, will result in a period of adjustment set forth in § 1.703, and the reduction will constitute the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

A restriction requirement was mailed on June 12, 2009 and an election of species was received on July 13, 2009. One hundred and twenty-seven days later, three terminal disclaimers were submitted on November 17, 2009, contemporaneously with a statement which asserts that the Examiner requested the submission of the same.<sup>1</sup>

As such, the submission of the three terminal disclaimers resulted in a reduction of 127 days, pursuant to 37 CFR § 1.704(c)(8). Applicants have asserted that this reduction was improper, as the submission of these terminal disclaimers was done in response to "an express request from the examiner" and that "the Office itself requested" the submission of said terminal disclaimers.<sup>2</sup>

Clearly, any patent issuing from the application is subject to a terminal disclaimer.

Applicants' argument has been considered and has been found to be persuasive.

The reduction of 127 days has been removed.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is one hundred and ninety-one (191) days (191 days of Office delay minus 0 days of Applicant delay).

The \$200.00 fee set forth in 37 CFR 1.18(e) will be charged to Deposit Account No. 19-3880 in due course, as authorized on the third page of this petition. No additional fee is required.

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

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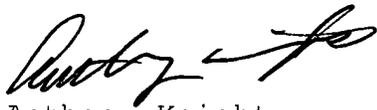
<sup>1</sup> The electronic record shows that the terminal disclaimers were approved, and a first-action allowance was subsequently mailed on December 16, 2009.

<sup>2</sup> Petition, page 1.

under 37 CFR 1.704(c) (10Y will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.



Anthony Knight  
Director  
Office of Petitions

Enclosure: Copy of updated PAIR screen

Day : Wednesday

**PALM INTRANET**

Date: 6/30/2010

Time: 08:15:31

**PTA Calculations for Application: 11/934840**

Application Filing Date:	11/05/2007	PTO Delay (PTO):	191
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	127
Post-Issue Petitions:	0	Total PTA (days):	191
PTO Delay Adjustment:	127		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
65	06/30/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	127		
53	12/16/2009	MAIL NOTICE OF ALLOWANCE	33		37
52	12/11/2009	ISSUE REVISION COMPLETED			
51	12/11/2009	DOCUMENT VERIFICATION			
50	12/07/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
49	12/07/2009	EXAMINER'S AMENDMENT COMMUNICATION			
48	12/07/2009	NOTICE OF ALLOWABILITY			
44	12/01/2009	PARALEGAL TD ACCEPTED			
43	12/01/2009	PARALEGAL TD ACCEPTED			
42	12/01/2009	PARALEGAL TD ACCEPTED			
41	11/17/2009	TERMINAL DISCLAIMER FILED		127	37
40	04/11/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38	09/22/2009	DATE FORWARDED TO EXAMINER			
37	07/13/2009	RESPONSE TO ELECTION / RESTRICTION FILED			
36	06/12/2009	ELECTRONIC REVIEW			
35	06/12/2009	EMAIL NOTIFICATION			
34	06/12/2009	MAIL RESTRICTION REQUIREMENT	158		-1
33	06/08/2009	REQUIREMENT FOR RESTRICTION / ELECTION			
24	09/04/2008	CASE DOCKETED TO EXAMINER IN GAU			
23	05/23/2008	EMAIL NOTIFICATION			
22	05/22/2008	PG-PUB ISSUE NOTIFICATION			
21	04/28/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
20	04/11/2008	REFERENCE CAPTURE ON IDS			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

19	04/11/2008	FILED			
18	04/11/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	02/13/2008	APPLICATION DISPATCHED FROM OIPE			
16	02/04/2008	EMAIL NOTIFICATION			
15	02/01/2008	SENT TO CLASSIFICATION CONTRACTOR			
14	02/04/2008	FILING RECEIPT - UPDATED			
13	02/04/2008	APPLICATION IS NOW COMPLETE			
12	01/24/2008	ADDITIONAL APPLICATION FILING FEES			
11	01/24/2008	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
10	01/19/2008	CLEARED BY L&R (LARS)			
9	01/18/2008	ELECTRONIC REVIEW			
8	01/17/2008	EMAIL NOTIFICATION			
7	01/17/2008	EMAIL NOTIFICATION			
6	01/17/2008	FILING RECEIPT			
5	01/17/2008	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	11/07/2007	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	11/07/2007	CASE CLASSIFIED BY OIPE			
2	11/05/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/05/2007	INITIAL EXAM TEAM NN			

Search Another: Application#

**EXPLANATION OF PTA CALCULATION**

**EXPLANATION OF PTE CALCULATION**

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | [Home page](#)



FEB 25 2010

BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS TX 75201-2980

In re Application of	:	
Shmuel SHAFFER et al.	:	DECISION ON PETITION
Application No. 11/934,843	:	TO MAKE SPECIAL UNDER
Filed: November 05, 2007	:	THE GREEN TECHNOLOGY
Attorney Docket No. 062891.2486	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 08, 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 **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention

materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks items 1, 5 and 8.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 705/001.000) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

In regard to item 5, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

In regard to item 8, petitioner should note that as shown by the records of the U. S. Patent and Trademark Office, a first Office action appears in the Patent Application Information Retrieval (PAIR) system on January 21, 2010. The present petition was submitted on February 08, 2010. Since a first Office action appears in PAIR prior to the submission of the present petition, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3689 for action in its regular turn.

/Lanna Mai/

---

Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600



UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
11/934,845	11/05/2007	David Vandor	VAND-0005	6689
50010	7590	06/21/2010	EXAMINER	
LAW OFFICE OF MICHAEL A. BLAKE, LLC			PETTITT, JOHN F	
95 HIGH STREET			ART UNIT	PAPER NUMBER
SUITE 5			3744	
MILFORD, CT 06460			MAIL DATE	DELIVERY MODE
			06/21/2010	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.



LAW OFFICE OF MICHAEL A. BLAKE, LLC  
95 HIGH STREET  
SUITE 5  
MILFORD CT 06460

In re Application of :  
VANDOR, DAVID and GREENBERG, RALPH : : DECISION ON PETITION  
Application No. 11/934845 : : TO MAKE SPECIAL UNDER  
Filed: November 05, 2007 : : THE GREEN TECHNOLOGY  
Attorney Docket No. VAND-0005 : : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 06/07/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) 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. 4) 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. 5) 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. 6) The petition to make special must be filed electronically. 7) 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. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item(s) #3, #4 and #8.

In regard to items 3 and 4, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. The general statement made in the petition is insufficient because the applicant did not explain how the claimed invention would materially enhance the quality of the environment by contributing to the reduction of greenhouse gas emissions from gasoline burning vehicles. The disclosure is not clear how the claimed invention would materially enhance the quality of the environment

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3748 for action in its regular turn.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/934,845	11/05/2007	David Vandor	VAND-0005	6689

50010 7590 07/16/2010  
LAW OFFICE OF MICHAEL A. BLAKE, LLC  
95 HIGH STREET  
SUITE 5  
MILFORD, CT 06460

EXAMINER

PETTITT, JOHN F

ART UNIT PAPER NUMBER

3744

MAIL DATE DELIVERY MODE

07/16/2010

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.



LAW OFFICE OF MICHAEL A. BLAKE, LLC  
95 HIGH STREET  
SUITE 5  
MILFORD CT 06460

In re Application of :  
VANDOR, DAVID and GREENBERG, RALPH : DECISION ON PETITION  
Application No. 11/934845 : TO MAKE SPECIAL UNDER  
Filed: November 05, 2007 : THE GREEN TECHNOLOGY  
Attorney Docket No. VAND-0005 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 07/08/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is Granted.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) 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. 4) 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. 5) 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. 6) The petition to make special must be filed electronically. 7) 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. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquires concerning this decision should be directed to Henry Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry Yuen  
Quality Assurance Specialist  
Technology Center 3700



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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.
11/934,870	11/05/2007	Juhan Kim		6743

58471 7590 02/14/2008  
JUHAN KIM  
5890 W. WALBROOK DR.  
SAN JOSE, CA 95129

EXAMINER

ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
02/14/2008	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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[www.uspto.gov](http://www.uspto.gov)

022008

Juhan Kim  
5890 W. Walbrook Dr.  
San Jose, CA 95219

FEB 15 2008

In re Application of:  
Juhan Kim  
Serial No.: 11/934,870  
Filed: November 5, 2007  
Title: CMOS IMAGE SENSOR INCLUDING  
TUNABLE READ AMPLIFIER

:  
:  
DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER  
37 C.F.R. §1.102  
:  
:  
:

This is a decision on the petition filed on November 5, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d) and M.E.P.E.P. §708.02(a).

The petition to make the application special is DISMISSED.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. §1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

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

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview;
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and
- 5.3. encompass the disclosed features that may be claimed;
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 C.F.R. §1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 C.F.R. §1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.5 above. However, the petition does not meet conditions II.6.1, II.6.2, II.6.3 and II.6.5 above.

Regarding the conditions set forth in II.6.1 above, the petition fails to include a copy of each reference cited as required under 37 C.F.R. § 1.98(a)(2)(ii) because a copy of the reference to Yoon et al. is not provided as required since this is an article published in the IEEE Journal of Solid-State Circuits. Only copies of U.S. patents or US patent application publications are not required.

Regarding the conditions set forth in II.6.2 above, the petition fails to include the identification of all the limitations in claims 1 through 20 that are disclosed by the cited references to Gowda et al., U.S. Patent No. 5,898,168, and to Yoon et al. specifying where each limitation is disclosed in the references. Regarding U.S. patent 5,898,168 to Gowda et al., the only identifications of what patent discloses are references to Fig. 3B and Fig. 8. Regarding the article "Single-Chip CMOS Image Sensor for Mobile Applications" by Yoon et al., the only identification of what this article discloses is a reference to Fig. 2. Applicant is required to identify the limitations in the claims of the instant application that are disclosed by the references and specify where these limitations are found in the references.

Regarding the conditions set forth in II.6.3 above, it is stated that, for example, with respect to claim 1, all the references fail to teach or suggest a pre-amp that is tunable for adjusting gain; a main amp that is tunable for adjusting output swing; fuse latches which store tuning information for the pre-amp and main amp; and multiplexer circuits transferring the tuning information from the fuse latches or external test inputs" required by claim 1. As such, it is concluded that the specific distinctions are believed to render the claim patentable over these references. This is not adequate to meet the requirements of 37 C.F.R. § 1.111(b) and (c). To meet these requirements, applicant must include a statement explaining the reason(s) applicant believes that the claims of the instant application are not deemed obvious in view of the state of the art disclosed by the cited references.

Regarding the conditions set forth in II.6.5 above, the showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification is not satisfied because it only refers to where some but not where all the support in the specification is found for the limitations of the claims. For example, with respect to claims 1, there is no showing of support in the specification for the limitations: the pixel cell, the transfer transistor, the access device detector, the reserve capacitor, the amplifying transistor, etc. References to drawing figures and reference numerals found for some but not all the limitations set forth in the claims is inadequate to meet the showing required under section II.6.5 above.

## DECISION

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

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.



Hien H. Phan, Quality Assurance Specialist  
Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/934,870	11/05/2007	Juhan Kim		6743
58471	7590	04/29/2008	EXAMINER	
JUHAN KIM			VU, NGOC YEN T	
5890 W. WALBROOK DR.			ART UNIT	PAPER NUMBER
SAN JOSE, CA 95129			2622	
			MAIL DATE	DELIVERY MODE
			04/29/2008	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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042008

Juhan Kim  
5890 W. Walbrook Dr.  
San Jose, CA 95219

In re Application of:  
Juhan Kim  
Serial No.: 11/934,870  
Filed: November 5, 2007  
Title: CMOS IMAGE SENSOR INCLUDING  
TUNABLE READ AMPLIFIER

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER  
37 C.F.R. §1.102

A decision dismissing the petition to make the above-identified application special for accelerated examination was mailed on February 15, 2008. The decision set a non-extendable time period of one month or 30 (thirty) days, whichever is longer, from its mailing date to correct the deficiency/deficiencies in the petition.

As of March 15, 2008, the expiry of the period set, neither a reply nor a renewed petition was received. Accordingly, the application is no longer eligible for the accelerated examination program. It is noted that applicant indicated in a communication filed March 12, 2008, that the instant application should be examined in its regular turn.

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist  
Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



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Cierra, Inc.  
Townsend & Townsend and Crew, LLP  
Two Embarcadero Center  
Eighth Floor  
San Francisco, CA 94111-3834

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In re Application of	:	
Hanson S. Gifford et al.	:	
Application No. 11/934,891	:	DECISION ON PETITION
Filed: November 5, 2007	:	TO WITHDRAW
Attorney Docket No. 022128-000520US	:	FROM RECORD
	:	

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 16, 2008.

The request is **NOT APPROVED**.

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

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

The revocation of power of attorney and change of address filed on July 14, 2008 is not acceptable in that compliance with 37 CFR 3.73(b) has not been met. A proper statement under 3.73(b) setting forth the reel and frame numbers and/or chain of title must be submitted.

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

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

  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Takahiro Miura  
Oblon, Spivak  
1940 Duke Street  
Alexandria, VA 22314



NAVAL RESEARCH LABORATORY  
ASSOCIATE COUNSEL (PATENTS)  
CODE 1008.2  
4555 OVERLOOK AVENUE, S.W.  
WASHINGTON, DC 20375-5320

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MAR 04 2008

**OFFICE OF PETITIONS**

In re Application of  
**SANGHERA**, Jasbinder S. et al.  
Application No. 11/934,946  
Filed: November 05, 2007  
Attorney Docket No. **99014-US1**

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. § 1.136(b), filed February 04, 2008.

The request is **APPROVED**.

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

The request was signed by Rae Lynn P. Guest. The undersigned attorney has been withdrawn; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no outstanding office actions at this time.

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

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **RAE LYNN GUEST**  
**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BPAI**  
**600 DULANY STREET**  
**ALEXANDRIA, VA 22313**



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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

Mail Date: 04/20/2010

<b>Applicant</b>	: Akiyoshi KANEMITSU	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7609336	: RECALCULATION of PATENT
<b>Issue Date</b>	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/934,960	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 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 **91** 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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SNELL & WILMER LLP (OC)  
600 ANTON BOULEVARD  
SUITE 1400  
COSTA MESA, CA 92626

Mail Date: 04/21/2010

<b>Applicant</b>	: Norikazu Matsumura	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7651251	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/934,988	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 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 **12** 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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/935,001 11/05/2007 Ju-Young Yoon P2115US00 7023

7590 05/05/2009
H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

EXAMINER
CRANSON JR, JAMES W

ART UNIT PAPER NUMBER
2875

NOTIFICATION DATE DELIVERY MODE
05/05/2009 ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature: Nimi James
Patent Publication Branch
Office of Data Management

Refund Ref: 05/05/2009 0030069706

Credit Card Refund Total: \$760.00

Adj Exp.: XXXXXXXXXXX2002

Adjustment date: 05/05/2009 NFARMER
11/06/2007 INTEFSW 00000543 11935001
02 FC:1111 -510.00 OP
04 FC:1202 -250.00 OP



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Paper No.

David W. Hight,  
VP & Chief IP Counsel  
Becton, Dickinson and Company  
(Kirton & McConkie)  
1 Becton Drive, MC 110  
Franklin Lakes, NJ 07417-1880

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**SEP 12 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Jonathan Burkholz, Wade Powell :  
Jason Hillman, Weston Harding : DECISION ACCORDING STATUS  
Kelly Christensen, John Stokes : UNDER 37 C.F.R. § 1.47(a)  
Marty Stout, Christopher Cindrich :  
and Dinesh Kommireddy :  
Application No. 11/935,057 :  
Filed: November 5, 2007 :  
Attorney Docket No. P-7363 :

This is a decision on the PETITION UNDER 37 C.F.R. §1.47(a)  
REGARDING NONSIGNING INVENTOR filed June 4, 2008.

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

The above-identified application was filed on November 5, 2007,  
with an application data sheet but without an executed oath or  
declaration. Accordingly, on December 5, 2007, applicants were  
mailed a "Notice to File Missing Parts of Nonprovisional  
Application," requiring submission of an executed oath or  
declaration and payment of the surcharge for late filing under  
§ 1.16(e). This Notice set a two-month period for reply, with  
extensions of time obtainable under § 1.136(a).

In response, rule 47 applicants filed the instant petition,  
along with payment of the petition fee and the late surcharge;  
and a declaration with signature pages each executed by joint  
inventors Burkholz, Hillman, Harding, Christensen, Stokes,  
Stout, Cindrich and Kommireddy. This response was made timely

by an accompanying petition and fee for extension of time for response within the fourth month. On petition, applicants assert that status under § 1.47(a) is proper because inventor Powell refuses to join in the application.

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

Requirements (1), (3) and (4) have clearly been satisfied. The petition includes adequate proof that inventor Powell was presented with all of the application papers and thereafter expressly refused to review the application papers and sign the declaration without compensation. The petition includes the required petition fee of \$200 and a statement of the last known address of non-signing inventor Powell.

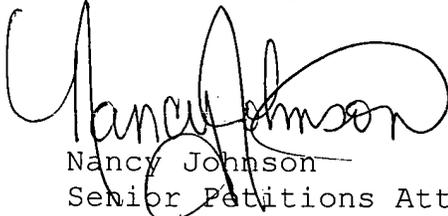
Requirement (2) has also been satisfied. However, it is appropriate to advise applicants that the form of the declaration could be improved. It was not immediately apparent that each of the inventors had been presented a declaration that identified the entire inventive entity. Applicants chose to submit a declaration with each inventor identified on a separate signature page and each inventor identified as the first inventor. This made it unclear as to whether each inventor had received all pages of the declaration for signature. However, given that the declaration states at each signature block that before signing this declaration each person signing must review the specification and that on page 1 of the specification the entire inventive entity is identified, it is clear that the inventors are declaring that they are joint inventors with each of the other identified inventors. To avoid possible dismissal in the future for such a declaration, it would be appropriate to number the pages of the declaration 1 of 10, 2 of 10, etc., or identify all inventors on page 1 by name and citizenship.

The declaration filed June 4, 2008 has been reviewed and found in compliance with § 1.47.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

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

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is stylized with large, flowing loops and a prominent initial "N".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

WADE POWELL  
744 EMMETT CREEK LANE  
LEXINGTON, KY 40515

**COPY MAILED**

**SEP 12 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Jonathan Burkholz, Wade Powell :  
Jason Hillman, Weston Harding :  
Kelly Christensen, John Stokes :  
Marty Stout, Christopher Cindrigh : LETTER  
and Dinesh Kommireddy :  
Application No. 11/935,057 :  
Filed: November 5, 2007 :  
Attorney Docket No. P-7363 :

Dear Mr. Powell:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be

directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large initial "N" and "J".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

David W. Highet,  
VP & Chief IP Counsel  
Becton, Dickinson and Company  
(Kirton & McConkie)  
1 Becton Drive, MC 110  
Franklin Lakes, NJ 07417-1880



**MAIL**

COWAN LIEBOWITZ & LATMAN P.C.  
JOHN J TORRENTE  
1133 AVE OF THE AMERICAS  
NEW YORK NY 10036

**AUG 13 2009**  
DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

In re Application of	:	
MATSUBAYASHI, KAZUHIRO, et al.	:	DECISION ON REQUEST TO
Application No. 11/935,058	:	PARTICIPATE IN PATENT
Filed: November 05, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. B588-331 (25815.337)	:	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 23, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

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

A handwritten signature in black ink, appearing to read "Michael Horabik", written over a horizontal line.

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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RONALD E. GREIGG  
GREIGG & GREIGG P.L.L.C.  
1423 POWHATAN STREET, UNIT ONE  
ALEXANDRIA, VA 22314

Mail Date: 04/21/2010

<b>Applicant</b>	: Jens Wolber	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7644699	: RECALCULATION of PATENT
<b>Issue Date</b>	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/935,062	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 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 **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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Alexandria, VA 22313-1450  
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PERKINS COIE, LLP  
P.O. BOX 1208  
SEATTLE, WA 98111-1208

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**AUG 19 2008**

In re Application of :  
PEARSON, et al. :  
Application No. 11/935,075 : DECISION ON PETITION  
Filed: November 5, 2007 : TO WITHDRAW  
Attorney Docket No. R-070 : 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 May 20, 2008.

The request is NOT APPROVED.

A review of the file record indicates that PERKINS COIE, LLP 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 inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

  
Monica A. Graves  
Petitions Examiner  
Office of Petitions

CC: ANGIODYNAMICS, INC.  
603 QUEENSBURY AVENUE  
QUEENSBURY, NY 12804



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.
11/935,088	11/05/2007	Marlin Viss	10070237-01	7187

7590 12/11/2009  
AGILENT TECHNOLOGIES INC.  
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.  
MS BLDG. E P.O. BOX 7599  
LOVELAND, CO 80537

EXAMINER

GHAYOUR, MOHAMMAD H

ART UNIT PAPER NUMBER

2611

NOTIFICATION DATE DELIVERY MODE

12/11/2009

ELECTRONIC

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

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

The petition is granted.

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

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

Patent Publication Branch  
Office of Data Management

Adjustment date: 12/10/2009 NFARMER  
11/05/2007 INTEFSW 00001398 501078 11935088  
02 FC:1111 516.00 CR



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

**COPY MAILED**

**DEC 22 2009**

In re Application of  
Stefan Zimmermann et al  
Application No. 11/935,099  
Filed: November 5, 2007  
Attorney Docket No. HCS-004CP

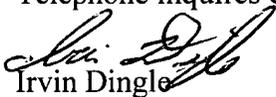
: **OFFICE OF PETITIONS**  
:  
: **DECISION ON PETITION**  
: **TO WITHDRAW**  
: **FROM RECORD**  
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed October 26, 2009.

The request is **APPROVED**.

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

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

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: Ashley I. Pezzner  
Connolly Bove Lodge & Hutz LLP  
The Nemours Building – 1007 North Orange Street  
8<sup>th</sup> Floor  
Wilmington, DE 19899



WONG, CABELLO, LUTSCH, RUTHERFOR  
& BRUCCULER, LLP  
20333 SH 249  
SUITE 600  
HOUSTON, TX 77070

**COPY MAILED**

NOV 24 2008

**OFFICE OF PETITIONS**

In re Application of	:	
Joey Chen, et al.	:	
Application No. 11/935,111	:	DECISION ON PETITION
Filed: November 5, 2007	:	TO WITHDRAW
Attorney Docket No. 585-0053US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 2008.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, “ownership transfer of listed patents and patent applications”, does not meet any of the conditions set forth in 37 CFR 10.40.

The request to withdraw less than all attorneys appointed by customer number 70573 cannot be approved. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the

list of persons authorized to represent any applicant or assignee of the entire interest who appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

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

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

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



FEB 19 2009

Michael R. Kutas  
2088 Flanders Road  
Charlotte MI 48813

In re Application of: COSTA	:	
Serial No.: 11/935,149	:	DECISION ON PETITION TO
Filed: November 5, 2007	:	MAKE SPECIAL FOR NEW
Title: SUBMERSABLE CENTRIFUGAL	:	APPLICATION UNDER 37
MAGNETICALLY AFFIXED CURRENT	:	C.F.R. § 1.102 & M.P.E.P. §
CHANGING AQUARIUM PUMP	:	708.02

This is a decision on the petition filed on November 5, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

#### REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not complete under 37 CFR 1.51 and in condition for examination, as evidenced by the mailing of the Notice To File Corrected Application Papers on November 13, 2007. See 71 Fed. Reg. 36323 notice, section VIII,

Conditions for Examination. The opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing.

As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must meet the new requirements set forth in the 71 Fed. Reg. 36323 notice.

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

Any inquiry regarding this decision should be directed E. Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Colleen P. Cooke, Special Program Examiner, at 571 272-1170.

A handwritten signature in cursive script, reading "E. Gartenberg", written over a horizontal line.

E. Gartenberg  
Special Program Examiner  
Technology Center 3700



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

**MAILED**

**MAY 28 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Tetsuro Motoyama et al :  
Application No. 11/935,161 : DECISION GRANTING PETITION  
Filed: November 5, 2007 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 318023US28CONT :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 27, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on April 29, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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

This application is being referred to Technology Center AU 2451 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

---

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/935,199	11/05/2007	Yasuyuki Arakawa	FS.20446US0A	7447

7590 05/04/2009  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

JONES, DAVID B

ART UNIT PAPER NUMBER

3725

NOTIFICATION DATE DELIVERY MODE

05/04/2009

ELECTRONIC

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

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

The petition is granted.

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

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

*Betty Powell*

Patent Publication Branch  
Office of Data Management

Adjustment date: 05/01/2009 BPOWELL  
11706/2007 INTEFSW 00002644 11935199  
02 FC:1111 -510.00 OP

Adjustment date: 05/01/2009 BPOWELL  
11706/2007 INTEFSW 00002644 11935199  
02 FC:1111 -510.00 OP



MAIER & MAIER, PLLC  
1000 DUKE STREET  
ALEXANDRIA, VA 22314

**MAILED**

**MAY 06 2010**

**OFFICE OF PETITIONS**

In re Application of  
Jordi Ros-Giralt  
Application No. 11/935,201  
Filed: November 5, 2007  
Attorney Docket No. IST-013-US

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:  
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**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 25, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Maier & Maier, PLLC has been revoked by the assignee of the patent application on April 23, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: ALBERT LEE  
51 SPRUCEWOOD  
ALISO VIEJO, CA 95656



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/935,201	11/05/2007	JORDI ROS-GIRALT	IST-013-US

CONFIRMATION NO. 7450

POWER OF ATTORNEY NOTICE



\*OC000000041366701\*

62008  
MAIER & MAIER, PLLC  
1000 DUKE STREET  
ALEXANDRIA, VA 22314

Date Mailed: 04/30/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/23/2010.

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

/amwise/

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



NOV 23 2007

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United States Patent and Trademark Office  
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HOWERY LLP  
C/O IP DOCKETING DEPARTMENT  
2941 FAIRVIEW PARK DRIVE SUITE 200  
FALLS CHURCH VA 22042

In re Application of  
Ramesh Krishnamoorthy  
Serial No.: 11/935,245  
Filed: November 5, 2007  
Attorney Docket No.: 03678.0231.NPUS02

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

This is a decision on the petition filed November 5, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

#### REGULATION AND PRACTICE

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

##### I. Conditions Regarding the Application:

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

##### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

## REVIEW OF FACTS

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

Regarding the requirements of MPEP § 708.02, 5 and 6, applicants have provided a Pre-examination Search Statement which appears deficient in several ways. First, no specific class or subclasses were searched where the subject matter would most likely be classified, which is required. Merely searching "All" is insufficient. Further, the search appears to have been done with a single search query in each database – individual terms were not searched separately which raises questions as to the validity of the search. It further appears that different search terms were used in different databases raising a question as to completeness of the search in any database. The Pre-examination Support document also appears deficient in that the limitations of the claims are not individually mapped to the specification – i.e. the claim is identified as supported by the specification, but not each of the limitations in the claim.

In view of the above deficiencies the search and the Pre-examination Support Document and IDS form are defective or incomplete and need to be revised or updated.

## DECISION

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

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

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

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



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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/935,245	11/05/2007	Ramesh Krishnamoorthy	03678.0231.NPUS02	7543

45605 7590 01/04/2008  
HOWERY LLP  
C/O IP DOCKETING DEPARTMENT  
2941 FAIRVIEW PARK DRIVE SUITE 200  
FALLS CHURCH, VA 22042

EXAMINER
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ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
01/04/2008	PAPER

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

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



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JAN 4 2008

HOWERY LLP  
C/O IP DOCKETING DEPARTMENT  
2941 FAIRVIEW PARK DRIVE SUITE 200  
FALLS CHURCH VA 22042

In re Application of :  
Ramesh Krishnamoorthy : DECISION ON PETITION TO MAKE  
Serial No.: 11/935,245 : SPECIAL FOR NEW APPLICATION  
Filed: November 5, 2007 : UNDER 37 C.F.R. § 1.102 & M.P.E.P.  
Attorney Docket No.: 03678.0231.NPUS02 : § 708.02

This is a decision on the renewed petition filed December 4, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

3. Office action:

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

4. Time for Reply:

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

5. Reply by Applicant:

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

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

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

6. Information Disclosure Statement (IDS):

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

7. Post-Allowance Processing:

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

8. After-Final and Appeal Procedures:

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

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

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

9. Proceedings Outside the Normal Examination Process:

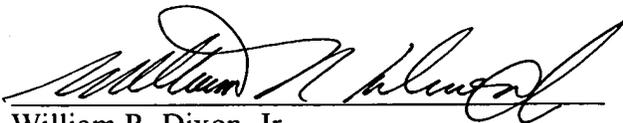
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

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

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

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



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



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THE FARRELL LAW FIRM, LLP  
290 Broadhollow Road  
Suite 210E  
Melville, NY 11747

Mail Date: 04/21/2010

Applicant : Jong-Cheon WEE : DECISION ON REQUEST FOR  
Patent Number : 7579561 : RECALCULATION of PATENT  
Issue Date : 08/25/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/935,247 : 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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FOLEY & LARDNER LLP  
975 PAGE MILL ROAD  
PALO ALTO, CA 94304

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**AUG 03 2009**

In re Application of  
Hans Henkes et al.  
Application No. 11/935,252  
Filed: November 5, 2007  
Attorney Docket No. EV3N.007C1C1

**OFFICE OF PETITIONS**  
:  
:  
:  
**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 April 29, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with the above identified application has been revoked by the assignee of the patent application on June 29, 2009. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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



JoAnne Burke  
Petitions Examiner  
Office of Petitions

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



STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON DC 20005

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**OFFICE OF PETITIONS**

In re Application of  
Jin-Hong No  
Application No. 11/935,255  
Filed: November 5, 2007  
Attorney Docket No. 2584.0300004/RWE

**ON PETITION**

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission and loss of small entity status filed March 11, 2010.

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.33d 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 and the petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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BRAKE HUGHES BELLERMANN LLP  
c/o INTELLEVATE  
P.O. BOX 52050  
MINNEAPOLIS MN 55402

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**OCT 27 2008**

**OFFICE OF PETITIONS**

In re Application of

Doppler, et al.

Application No. 11/935,268

Filed: November 5, 2007

Attorney Docket No. NC55228/0007-039001

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed on October 3, 2008.

The petition is **granted**.

This application was held abandoned on August 30, 2005, after no reply was received to the Notice to File Corrected Application Papers mailed December 4, 2007. The notice set forth a period for reply of two months from its mailing date. A Notice of Abandonment was mailed on August 13, 2008. The instant petition was filed on October 3, 2008. Petitioner maintains that the notice of December 4, 2007, was never received and provides a copy of the relevant docket records as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner \*\*>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

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

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the

11/935,268

practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.<

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to the Office of Patent Application Processing where the Notice of Corrected Application Papers will be re-mailed and the period for reply restarted.

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

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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

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**APR 28 2008**

**OFFICE OF PETITIONS**

In re Application of

**BARBER, Phillip**

Application No. 11/935,278

Filed: November 05, 2007

Attorney Docket No. 021822-004810US

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

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

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

A review of the file record indicates that the power of attorney to Townsend and Townsend and Crew, LLP has been revoked by the assignee of the patent application on April 07, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **SLATER & MATSIL, L.L.P.  
17950 PRESTON ROAD, SUITE 1000  
DALLAS, TX 75252**



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Townsend and Townsend and Crew LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111

Mail Date: 04/21/2010

**Applicant** : Michael H.M. Chu : DECISION ON REQUEST FOR  
**Patent Number** : 7593273 : RECALCULATION of PATENT  
**Issue Date** : 09/22/2009 : TERM ADJUSTMENT IN VIEW  
**Appliction No** : 11/935,310 : 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 **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.



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Townsend and Townsend and Crew LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111

Mail Date: 05/18/2010

**Applicant** : Michael H.M. Chu : NOTICE CONCERNING IMPROPER  
**Patent Number** : 7593273 : CALCULATION OF PATENT TERM  
**Issue Date** : 09/22/2009 : ADJUSTMENT BASED UPON USPTO  
**Application No** : 11/935,310 : IMPROPERLY MEASURING REDUCTION  
**Filed** : 11/05/2007 : PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **83** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

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

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

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



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

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**FEB 01 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Daniel SANTI, et al	:	
Application No. 11/935,351	:	DECISION ON PETITION
Filed: November 5, 2007	:	TO WITHDRAW
Attorney Docket No. 300622004902	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 18, 2009.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Kate H. Murashige 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



Vista IP Law Group, LLP  
2040 Main Street, 9<sup>th</sup> Floor  
Irvine, CA 92614

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APR 14 2008

In re Application of  
Michael Adam Moffitt et al.  
Application No. 11/935,368  
Filed: November 5, 2007  
Attorney Docket No. 07-00453-01

**OFFICE OF PETITIONS**  
DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 19, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Bryant R. Gold and Laura Haburay Bishop, does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc:

Bryant R. Gold  
Laura Haburay Bishop  
Fish & Richardson  
225 Franklin Street  
Boston, MA 02110



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**MORRISON & FOERSTER LLP**  
12531 High Bluff Drive  
Suite 100  
San Diego, CA 92130-2040

**MAILED**  
JUN 03 2010  
OFFICE OF PETITIONS

In re Application of  
Darrin G. Hegemier, et al.  
Application No. 11/935,382  
Filed: November 5, 2007  
Attorney Docket No. 92358/9066

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 22, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on April 30, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

*Terri Johnson*  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **FITCH EVEN TABIN & FLANNERY**  
120 South LaSalle Street  
Suite 1600  
Chicago, IL 60603-3406



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**OCT 22 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Erhardt et al. :  
Application Number: 11/935387 :  
Filing Date: 11/05/2007 : ON PETITION  
Attorney Docket Number: 7003/15 :  
D1 :

This is a decision on the petition under 37 CFR 1.137(b)<sup>1</sup> filed on August 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned on February 15, 2008, for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application mailed on December 14, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Notice of Abandonment was mailed on August 26, 2008.

On August 26, 2009, the subject petition under 37 CFR 1.137(b) was filed, accompanied by a substitute specification and

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<sup>1</sup> Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

replacement drawings as well as the application filing fee, search fee, examination fee, and petition fee.

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

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



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



MAYER & WILLIAMS PC  
251 NORTH AVENUE WEST  
2ND FLOOR  
WESTFIELD NJ 07090

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DEC 17 2009  
**OFFICE OF PETITIONS**

In re Application of :  
Ursula ERHARDT et al. :  
Application No. 11/935,390 : DECISION ON PETITION  
Effective Date: November 05, 2007 :  
Attorney Docket No. 7003/15 C1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

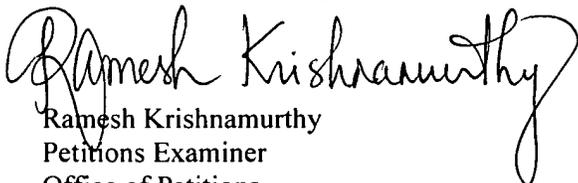
The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed December 14, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification and replacement drawings, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Corrected Application Papers of December 14, 2007 is accepted as having been unintentionally delayed.

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

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

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

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions

Serial No.: 11/935,390

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ursula Erhardt

Appln No.: 11/935,390

Filing Date: 11/5/2007

For: BIO-REACTOR

Examiner: Unassigned

Group Art Unit: 1797

Confirmation No.: 7812

Docket No. : 7003/15 C1

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

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED  
APPLICATION UNDER 37 CFR 1.137(b) AND RESPONSE TO  
NOTICE TO FILE CORRECTED APPLICATION PAPERS**

Sir:

This Petition to Revive Unintentionally Abandoned U.S. Patent Application 11/935,390 is filed in response to the Notice of Abandonment dated August 26, 2008. As per the Notice of Abandonment, the applicant failed to file a response to the Notice to File Corrected Application Papers mailed December 14, 2007. The entire delay in filing the required reply from the due date for the reply until the filing of this petition was unintentional.

Per the requirements of the Notice to File Corrected Application Papers mailed December 14, 2007, Applicant submits herewith a Preliminary Amendment and substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3) and 1.125. A version marked to show the changes made is filed herewith, as well as a clean version (without markings). The substitute specification contains no new matter, but now includes a brief description of the

1

*required*  
*under 37 CFR 1.137(b)*

Serial No.: 11/935,390

several views of the drawings as required by the Notice to File Corrected Application Papers, and per the requirements of 37 CFR 1.74 and 1.77(b)(7).

Also filed herewith in response to the Notice to File Corrected Application Papers mailed 12/14/2007 are 4 sheets of replacement drawings. These 4 sheets replace the 4 sheets of drawings filed with the application on 11/5/2007 and include no new matter. The only changes made are to place the drawings in compliance with 37 CFR 1.84 and 1.121(d), as required by the Notice to File Corrected Application Papers.

As applicant believes it has now met the requirements of the Notice to File Corrected Application Papers mailed 12/14/2007, Applicant hereby petitions the Commissioner to grant this Petition to Revive. It is respectfully requested that the Notice of Abandonment be withdrawn, and that examination of the application be continued accordingly.

The PTO is hereby authorized to charge the \$1620 Petition Fee and any additional fees required to the undersigned attorney's PTO Deposit Account #50-1047.

Respectfully submitted,

Dated: 08/25/2009

Attorney for Applicants  
Mayer & Williams PC  
251 North Avenue West, 2<sup>nd</sup> Floor  
Westfield, NJ 07090  
619-846-4850 Tel.  
908-518-7795 Fax

Respectfully submitted,

By / Ann A. Wieczorek /

Ann A. Wieczorek  
Registration No.: 46,087

**Certificate of Electronic Transmission Under 37 C.F.R. §1.8**

I hereby certify that this correspondence and any document referenced herein are being electronically deposited with the USPTO via EFS-Web on 08/26/2009.

Marjorie Scariati  
(Printed Name of Person Sending Correspondence)

/Marjorie Scariati/

\_\_\_\_\_  
(Signature)



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**MUNCY, GEISSLER, OLDS & LOWE, PLLC**  
**P.O. BOX 1364**  
**FAIRFAX VA 22038-1364**

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SEP 23 2009

In re Application of :  
**JEITNER, Martin et al.** :  
Application No. 11/935,399 :  
Filed: November 05, 2007 :  
Attorney Docket No. **1020/0175PUS1** :

**OFFICE OF PETITIONS**

**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 03, 2009.

The request is **APPROVED**.

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

The request was signed by Martin Geissler on behalf of all attorneys of record who are associated with customer No. 60601. All attorneys/agents associated with the Customer Number 60601 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.

There is an outstanding Office action mailed June 11, 2009 that requires a reply from the applicant.

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

  
Tredelle D. Jackson  
Paralegal Specialist  
Office of Petitions

cc: **MARTIN JEITNER**  
**WARTBURGSTRASSE 23**  
**OSTHEIM D-97645**  
**GERMANY**

cc: **PREH GMBH**  
**AN DER STADTHALLE**  
**BAD NEUSTADT D-97616**  
**GERMANY**



LAW OFFICES OF JERRY A SCHULMAN  
1S376 SUMMIT AVENUE  
COURT C  
OAKBROOK TERRACE IL 60181

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**DEC 19 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Takayuki Akahoshi : DECISION ON PETITION  
Application No. 11/935,409 :  
Filed: November 6, 2007 :  
Attorney Docket No. 10007-2-120 :

This is a decision on the petition to revive pursuant to 37 CFR 1.137(b), filed November 14, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts, mailed December 7, 2007. This Notice set a period for reply of two months to submit an executed oath or declaration, the surcharge for its late filing, and replacement drawings. No reply having been received, the application became abandoned on February 8, 2008. A Notice of Abandonment was mailed on August 18, 2008.

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

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

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



Cliff Congo  
Petitions Attorney  
Office of Petitions



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**DEC 17 2007**

**OFFICE OF PETITIONS**

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

In re Application of :  
Chou : DECISION REFUSING STATUS  
Application No. 11/935,426 : UNDER 37 CFR 1.47(b)  
Filed: November 6, 2007 :  
Atty. Dkt. No.: 252210-3130 :  
For: DEVICE INFORMATION :  
MANAGEMENT SYSTEMS AND METHODS :

This decision is in response to the petition under 37 CFR 1.47(b) filed November 6, 2007.

The petition under 37 CFR 1.47(b) is **DISMISSED**.

Petitioner is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(b) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed November 6, 2007 without an executed oath or declaration.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to preserve the rights of the parties or to prevent irreparable damages.

The instant petition fails to satisfy requirement (4) set forth above.

As to item (4), petitioners have not provided a statement of the last known address of the non-signing inventor.

An application filed pursuant to 37 CFR 1.47 must state the last known address of the non-signing inventor. That address should be the last known address at which the inventor customarily receives mail. Ordinarily, the last known address will be the last known residence of the non-signing inventor. Inasmuch as a non-signing inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the non-signing inventor may be reached should also be given. Each applicant's mailing or post office address is required to be supplied on the oath or declaration, if not stated in an application data sheet. Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address. The mailing address should include the ZIP Code designation. The object of requiring each applicant's mailing address is to enable the Office to communicate directly with the applicant if desired; hence, the address of the attorney with instruction to send communications to applicant in care of the attorney is not sufficient. In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. See MPEP §§ 409.03(e) and 605.03.

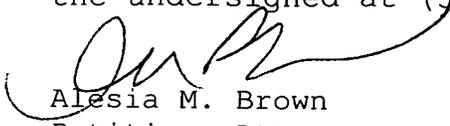
As to item (6), petitioners must present a showing that action under 37 CFR 1.47 is required to preserve the rights of the parties or to prevent irreparable damages. Petitioners have stated that action pursuant to Rule 47 is "required in order to preserve the proprietary interest of VIA." This statement is being interpreted to mean that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage. If this is not an appropriate interpretation of the statement made by petitioners, petitioners must clarify by way of renewed petition.

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand:	U.S. Patent and Trademark Office

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

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



Alesia M. Brown  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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**MAR 21 2008**

**OFFICE OF PETITIONS**

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

In re Application of :  
Chou : DECISION REFUSING STATUS  
Application No. 11/935,426 : UNDER 37 CFR 1.47(b)  
Filed: November 6, 2007 :  
Atty. Dkt. No.: 252210-3130 :  
For: DEVICE INFORMATION :  
MANAGEMENT SYSTEMS AND METHODS :

This decision is in response to the renewed petition under 37 CFR 1.47(b) filed December 27, 2007.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

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

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

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

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

  
Alesia M. Brown  
Petitions Attorney  
Office of Petitions



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Hsiao-Fung Chou  
No. 25, Alley 9, Lane 143, JunGong Rd.  
WenShan District  
Taipei City, Taiwan, R.O.C.

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**MAR 21 2008**

**OFFICE OF PETITIONS**

In re Application of  
Chou  
Application No. 11/935,426  
Filed: November 6, 2007  
Atty. Dkt. No.: 252210-3130  
For: DEVICE INFORMATION MANAGEMENT  
SYSTEMS AND METHODS

Dear Sir:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

  
Alesia M. Brown  
Petitions  
Office of Petitions



BC

October 20, 2009

In re application of	:	DECISION ON REQUEST TO
Naoyuki Toyoda et al.	:	PARTICIPATE IN PATENT
Serial No. 11/935,435	:	PROSECUTION HIGHWAY
Filed: November 06, 2007	:	PROGRAM AND
For: INK COMPOSITION AND PATTERN	:	PETITION TO MAKE SPECIAL
FORMING METHOD	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed August 19, 2009.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

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

(5) Applicant must submit:

- a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
    - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;  
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
  - c. A statement that the English translation is accurate;
- (6) Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

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

The request to participate in the PPH program and petition 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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/935,446	11/06/2007	Takeshi Marumoto	680824-1U2 (K-8083US-DV2)	7923
570                      7590                      02/29/2008 PANITCH SCHWARZE BELISARIO & NADEL LLP ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103			EXAMINER BRASE, SANDRA L	
			ART UNIT	PAPER NUMBER
			2852	
			MAIL DATE	DELIVERY MODE
			02/29/2008	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.



PANITCH SCHWARZE BELISARIO & NADEL LLP  
One Commerce Square  
2005 Market Street, Suite 2200  
Philadelphia, PA 19103

FEB 29 2008

In re Application of:	:	DECISION ON PETITION TO
Takeshi Marumoto	:	MAKE SPECIAL FOR NEW
Serial No.: 11/935,446	:	APPLICATION UNDER 37
Filed: November 06, 2007	:	C.F.R. § 1.102 & M.P.E.P. §
Title: <b>SUPPORT STRUCTURE FOR IMAGE</b>	:	708.02
<b>PROCESSING APPARATUS</b>	:	

This is a decision on the petition filed on November 06, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

## REVIEW OF FACTS

The conditions I.1-4; II.5, 5.2-5.3 and 6, 6.4-6.6, above are considered to have been met. However, the petition fails to comply with conditions II. 5.1 and 6.1-6.3, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of II. 5.1, the pre-examination search must involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement. The search submitted with the petition appears to be too narrow. In addition to the subclasses listed, 248/677, 347/108, 152 and 312/351.1, 351.2, 351.3 should be included for completeness. For the above reasons, the petition does not meet the requirements of II. 5.1, as set forth above.

Regarding the requirements of II. 6.1-6.3, the examination support document must include an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing **each** reference deemed most closely related to the subject matter of each of the claims. The IDS provided with the petition includes thirty-four references. Only three of the thirty-four references were expounded upon with respect to limitations of the claims. In order to meet the requirement of II 6.2, all the limitations in the claims that are disclosed by the additional references should be specified where the limitation is disclosed in the cited addition reference.

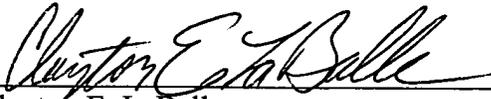
## DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Clayton E. LaBalle, Special Program Examiner, at (571) 272-1594.



---

Clayton E. LaBalle  
Special Program Examiner  
Technology Center 2800



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/935,456 11/06/2007 Michael J. Benes 10070266-1 7944

7590 12/11/2009
AGILENT TECHNOLOGIES INC.
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.
MS BLDG. E P.O. BOX 7599
LOVELAND, CO 80537

EXAMINER

BEHM, HARRY RAYMOND

ART UNIT PAPER NUMBER

2838

NOTIFICATION DATE DELIVERY MODE

12/11/2009

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature of Nikki Surmes
Patent Publication Branch
Office of Data Management

Adjustment date: 12/10/2009 NFARMER
11/06/2007 INTEFSW 00005098 501076 11935456
22 FC:1111 518.02 CR



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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-3873

Mail Date: 04/21/2010

<b>Applicant</b>	: Osamu Itou	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7573553	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/935,462	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **90** 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.



BROUSE MCDOWELL LPA  
388 SOUTH MAIN STREET  
SUITE 500  
AKRON OH 44311

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**JAN 23 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Paul Jacques Charles Lecat :  
Application No. 11/935,468 : **DECISION GRANTING PETITION**  
Filed: November 6, 2007 :  
Attorney Docket No.22904.25691 :

This is a decision on the petition under 37 CFR 1.57 filed January 15, 2008, that is responsive to the "Notice of Incomplete Nonprovisional Application" (the "Notice") mailed December 17, 2007. The petition will be treated under 37 CFR 1.53.

On November 6, 2007, the application was deposited.

On December 17, 2007, the Office of Initial Patent Examination mailed the Notice stating that no filing date had been accorded the application because drawings were not found with the original disclosure, but appeared to be required to understand the invention claimed. The Notice allowed a non-extendable period for response of two months from its mailing date. The instant petition was filed on January 15, 2008. Petitioner is accepting of a filing date of December 20, 2007, because that is the date that petitioner filed the drawings. The filing date for the application was changed to December 20, 2007.

It has been determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that Claim 11 in the disclosure is a method claims. Therefore, the application is deemed to be an application that does not require drawings for an understanding of the invention claimed. Accordingly, the application, as filed, was entitled to the filing date of November 6, 2007.

Deposit account 50-1210 will be refunded \$400.00, in due course.

The application is being forwarded to the Office of Patent Application Processing for issuance of a corrected filing receipt and for further processing with a filing date November 6, 2007, and an indication in Office records that no drawings were present on filing. Applicant should file a preliminary amendment before the first action on the merits requesting entry of the drawings.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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**BROUSE MCDOWELL LPA  
388 SOUTH MAIN STREET  
SUITE 500  
AKRON, OH 44311**

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**JUL 07 2008**

In re Application of  
Paul Jacques Charles LECAT  
Application No. 11/935,468  
Filed: November 6, 2007  
Attorney Docket No. 22904.45691

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed May 9, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Heather M. Barnes does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: EMERSON, THOMSON & BENNETT  
777 WEST MARKET STREET  
AKRON, OH 44303





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**BAKER BOTTS LLP  
2001 ROSS AVENUE  
6TH FLOOR  
DALLAS TX 75201-2980**

**COPY MAILED  
FEB 24 2009  
OFFICE OF PETITIONS**

In re Application of :  
James S. Wilson et al :  
Application No. 11/935,496 : DECISION ON PETITION  
Filed: November 6, 2007 :  
Attorney Docket No. 004578.1720 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed November 7, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure s to timely pay the issue and publication fees on or before August 12, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 12, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 13, 2008.

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 Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

Petitioner asserts that docketing error was the cause of delay in acting to prevent the application from becoming abandoned. 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: (1) the error was the cause of the delay at issue; (2) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; (3) and 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. See MPEP 711.03(c)(III)(C)(2).

**An adequate showing requires statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts, as they know them. 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. This showing must include copies of mail ledger, docket sheets, file-wrappers and such other records as may exist which would substantiate an error in docketing, and include an indication as to why the system failed in this instance to provide adequate notice that a reply was due. Petitioner must also supply information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.**

The instant petition fails to provide the required specifics as set forth in the paragraph above.

Petitioner notes that the Office did not mail a postcard reminder to applicant’s representative (failure to **view or download** an Office action within seven days of an email notification will trigger the Office to send a courtesy postcard). A review of Office records confirms that on May 12, 2008, petitioner viewed (but did not download) the Notice of Allowance/Allowability. No courtesy postcard was mailed since petitioner viewed the Office action and thus met the condition for non-mailing of the postcard. See 1314 Off. Gaz. Pat. Office 1321 (January 16, 2002).

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was “unavoidable.” This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An “unintentional” petition under 37 CFR 1.137(b) must be accompanied by the \$1,620 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37

CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
                                  Commissioner for Patents  
                                  P. O. Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                   U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

By facsimile:            **(571) 273-8300**  
                                  Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

  
David Buccy  
Petitions Examiner  
Office of Petitions



**BAKER BOTTS LLP  
2001 ROSS AVENUE  
6TH FLOOR  
DALLAS TX 75201-2980**

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**AUG 19 2009**

**OFFICE OF PETITIONS**

In re Application of :  
James S. Wilson et al. :  
Application No. 11/935,496 : **DECISION ON PETITION**  
Filed: November 6, 2007 :  
Attorney Docket No. 004578.1720 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 12, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed May 12, 2008. Accordingly, the date of abandonment of this application is August 13, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272, 6842.

This application is being referred to Publishing Division for processing into a patent.

Carl Friedman  
Petitions Examiner  
Office of Petitions



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**BUSKOP LAW GROUP, P.C.**  
**4511 DACOMA STREET**  
**HOUSTON, TX 77092**

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**DEC 11 2007**

In re Application of  
**LAFLEUR, et al.**  
Application No. 11/935,514  
Filed: November 6, 2007  
Attorney Docket No. **1614.003**

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**OFFICE OF PETITIONS**  
DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 6, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of inventor Harry Bouknight, Sr. driver's license, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Initial Patent Examination at 571-272-4000.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Monica A. Graves  
Petitions Examiner  
Office of Petitions



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Date : *March 12, 2009*

Patent No. :7448888  
Inventor(s) :Tomoki Okano  
Issued :November 11, 2008  
Title :CONNECTOR AND A CONNECTOR ASSEMBLY

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction.

Review of the application file has revealed the omission of the Foreign Priority data on the printed patent as a result of applicant's failure to fully comply with 35 U.S.C. 119, in that conditional requirements were not met. Applicant's attention is directed to MPEP 201.14(a), 37 CFR 1.17(i).

In view of the forgoing, applicant's request in this matter is hereby denied.

Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

*M. Diggs*  
Mary Diggs, Supervisor  
Decisions & Certificates  
of Correction Branch  
(703) 308-9390 or (703) 308-*9390 ext. 123*

Gerald E. Hespos  
Casella & Hespos LLP  
274 Madison Avenue,  
Ste 1703  
New York, NY 10016

/arg



SJM/AFD-WILEY  
14901 DEVEAU PLACE  
MINNETONKA MN 55345-2126

FEB 21 2008

In re Application of: Cox, James L., et al.	:	
Application No.: 11/935,582	:	DECISION ON PETITION TO
Filed: November 6, 2007	:	MAKE SPECIAL FOR NEW
Title: SURGICAL SYSTEM AND PROCEDURE	:	APPLICATION UNDER 37
FOR TREATMENT OF MEDICALLY	:	C.F.R. § 1.102 & M.P.E.P. §
REFRACTORY ATRIAL FIBRILLATION	:	708.02

This is a decision on the petition filed on November 6, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

##### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

##### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1, 5.3, 6, above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 6.1, 6.2, 6.3, 6.4, 6.5 and 6.6 above. Therefore,

the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

### Discussion

When referring to “the petition” herein below, the received papers under consideration include the four page PTO/SB/28 form “Petition to Make Special Under Accelerated Examination Program”, the “pre-examination search document” including pages 1-5; the “accelerated examination support document” comprising pages 1-40, and an Information Disclosure Statement including form PTO/SB/08A(substitute PTO-1449 A), 2 pages.

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 606 subclasses 20, 22, 23, 24, 25, 26, 45, 46, 49, 51, 52, 205, 206, 207, 208. Searching in class 607 subclasses 101, 116, 122 also appear on point. Regarding the word search, it appears that is incomplete. For example the limitations of claim 20 do not appear to have been searched at all.

Regarding the requirements of section II element 6.1 outlined above, it appears that Applicant failed to file a legible copy of the WO and EP documents listed in the IDS, as required by 37 C.F.R. 1. 98(2). A search in the priority documents could not identify said documents either. However, in case these documents have been filed in any priority document, a statement identifying said document would suffice.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat “the independent claims”, nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on [www.uspto.gov/web/patents/accelerated/](http://www.uspto.gov/web/patents/accelerated/) in “Guidelines for Applicants under the new accelerated examination procedures”):

*For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should*

*point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

First, petitioner's submission is not specific enough. Petitioner points out some limitations of some of the claims and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address each limitation and where it is (or state that it is not) found in each one of the most closely related prior art. As a non-limiting example, the limitations of claims 3, 5, etc., are not mapped unto US Patent 5,484,435. The requirement of section II element 6.2 can be satisfied by listing all the presently filed claims (i.e., the claims of the instant application) and by indicating where each limitation of each one of said presently filed claims is taught (or is not taught) in each one of the cited most closely related references, by specifically indicating the element number and/or the relevant page/paragraph and line numbers. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each one of the claims is patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, Applicant failed to argue patentability of each claim over each one of the most closely related references that has been cited. For these reasons, the petition does not meet the requirement of section II, element 6.3. The requirement of section II element 6.3 can be satisfied by listing all the presently filed claims (i.e., the claims of the instant application) and by indicating which specific limitation(s) in each one of said presently filed claims define(s) over each one of the most closely related reference that has been cited. With regard to each dependent claim, there should be an unequivocal statement whether the patentability of each dependent claim is predicated solely on that of the claim from which it depends, or Applicant should provide a detailed explanation of patentability specific to that particular claim. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference the independent claims specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies figures and portions of text with respect to claim numbers as opposed to the required claim limitations. The requirement of section II element 6.5 can be satisfied by listing all the presently filed claims and by indicating where his/her own application teaches each limitation in each one of said presently filed claims, by indicating the element number and/or the relevant page and line numbers. Applicant's mapping in the Accelerated Examination Support Document, on p. 30 et seq., is good but not specific enough. As a non-limiting example (understanding that it may not be totally accurate), with reference to a section of claim 1, the following additional information would satisfy the specificity requirement of section II element 6.5:

*1. A medical device (57) for ablating tissue, the device comprising:*

*an elongate probe (66) including a proximal end (70) and a distal end (202), an ablation surface (65) between the proximal end and the distal end and proximate the distal end, and a malleable section ([0081], l. 6) between the proximal end and the distal end;*

Applicant's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6<sup>th</sup> paragraph, listed above. Should this requirement not apply to the present application, Applicant should make a statement in this regard.

Note: The Examiner accepts the explanation in the Accelerated Examination Support Document, on p. 29, regarding the mapping unto patent '543 and application '036 as satisfying the requirement of mapping unto all the applications for which priority is claimed.

Finally, regarding the requirements of section II element 6.6, the petition does not provide an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Colleen P. Cooke, Special Program Examiner, at 571 272-1170.

A handwritten signature in cursive script that reads "Ehud Gartenberg". The signature is written in black ink and is positioned above the printed name.

Ehud Gartenberg  
Special Programs Examiner  
Technology Center 3700



SJM/AFD-WILEY  
14901 DEVEAU PLACE  
MINNETONKA MN 55345-2126

**MAR 17 2008**

In re Application of: Cox, James L., et al.	:	
Application No.: 11/935,582	:	DECISION ON PETITION TO
Filed: November 6, 2007	:	MAKE SPECIAL FOR NEW
Title: SURGICAL SYSTEM AND PROCEDURE	:	APPLICATION UNDER 37
FOR TREATMENT OF MEDICALLY	:	C.F.R. § 1.102 & M.P.E.P. §
REFRACTORY ATRIAL FIBRILLATION	:	708.02

This is a decision on the renewed petition filed on March 13, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

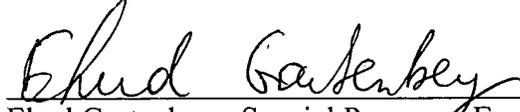
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

**As a courtesy to the Applicant, and for future reference, the Examiner would like to comment on Applicant's mapping the claimed limitations unto the disclosure (requirement II: 6.5 / showing of support under 35 U.S.C. 112, 1<sup>st</sup> paragraph.) The mapping is marginally acceptable. 35 U.S.C. 112, 1<sup>st</sup> paragraph requires the disclosure to enable one of ordinary skill in the art to make and use the claimed invention. In the examination support document, for example with reference to claim 1, on p. 73, l. 5 applicant maps "malleable" to paragraph 81. "Malleable" is an adjective, and by finding the word malleable in the specification, one of ordinary skill in the art would still not know how to make the device "malleable". The teaching of the materials that make the device malleable is given in the next paragraph 82. A better mapping would have pointed to paragraph 81, l. 6 and**

paragraph 82, ll. 1-6. The entire present mapping could have benefited from a more specific mapping. However, because the paragraphs are reasonably short and the paragraphs are proximate to each other, the mapping was accepted.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Colleen P. Cooke, Special Program Examiner, at (571) 272-1170.

  
\_\_\_\_\_  
Ehud Gartenberg, Special Programs Examiner  
Technology Center 3700



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5 MOUNT ROYAL AVENUE  
MOUNT ROYAL OFFICE PARK  
MARLBOROUGH MA 01752

**MAILED**

**MAR 13 2009**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Dan Thomsen	:	
Application No. 11/935,586	:	<b>DECISION ON PETITION</b>
Filed: November 6, 2007	:	<b>TO WITHDRAW</b>
Attorney Docket No. INT-001	:	<b>FROM RECORD</b>
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others

The request cannot be approved because the statement under 3.73(b) is not proper or no statement under 3.73(b) was filed.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: INTERSE A/S  
C/O DAN THOMSEN  
STORE KONGENSGADE 72  
COPENHAGEN K, DENMARK DK-1264



GUERIN & RODRIGUEZ, LLP  
5 MOUNT ROYAL AVENUE  
MOUNT ROYAL OFFICE PARK  
MARLBOROUGH, MA 01752

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**APR 13 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Dan Thomsen	:	
Application No. 11/935,586	:	DECISION ON PETITION
Filed: November 6, 2007	:	TO WITHDRAW
Attorney Docket No. INT-001	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 19, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Michael Rodriguez on behalf of all attorneys of record who are associated with customer No. 32836. All attorneys/agents associated with the Customer Number 32836 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: DAN THOMSEN  
RYGARDS ALLE 20  
HELLERUP, DK-2900  
DENMARK

cc: INTERSE A/S  
C/O DAN THOMSEN  
STORE KONGENSGADE 72  
COPENHAGEN, DK-1264  
DENMARK



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/935,586	11/06/2007	Dan Thomsen	INT-001

**CONFIRMATION NO. 8198**

**POWER OF ATTORNEY NOTICE**

32836  
GUERIN & RODRIGUEZ, LLP  
5 MOUNT ROYAL AVENUE  
MOUNT ROYAL OFFICE PARK  
MARLBOROUGH, MA 01752



Date Mailed: 04/09/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/19/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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

<b>PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION            UNDER 37 CFR 1.102(c)(1)</b>					
<b>Application Information</b>					
Application Number	11935588	Confirmation Number	8202	Filing Date	2007-11-06
Attorney Docket Number (optional)	07-0831	Art Unit	1794	Examiner	
First Named Inventor	Charles N. McKinnon				
Title of Invention	NON-FRANGIBLE COUPLING ELEMENT WITH EXPLOSIVE LOAD RELEASE				
<p><b>Attention: Office of Petitions</b>            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).</p> <p>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.</p> <p>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.</p>					
<p><b>Name of Inventor who is 65 years of age, or older</b></p>					
Given Name	Middle Name	Family Name	Suffix		
Charles	N.	McKinnon			
<p>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.</p> <p>Select (1) or (2) :</p>					
<p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/Hugh Gortler #33890/		Date (YYYY-MM-DD)	2008-07-03	
Name	Hugh P. Gortler		Registration Number	33890	

## 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 Freedom 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 individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of  
Charles N. McKinnon

Application No. 11935588

Filed: November 6, 2007

Attorney Docket No. 07-0831

:  
:

: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 03-JUL-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.



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P.O. BOX 2515  
MAIL CODE 110-SD54  
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

<b>Applicant</b>	: Charles N. McKinnon JR.	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7610840	: RECALCULATION of PATENT
<b>Issue Date</b>	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/935,588	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **88** 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.



**GUERIN & RODRIGUEZ, LLP  
5 MOUNT ROYAL AVENUE  
MOUNT ROYAL OFFICE PARK  
MARLBOROUGH MA 01752**

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**FEB 17 2009**

**OFFICE OF PETITIONS**

In re Application of

**THOMSEN, Dan et al.**

Application No. 11/935,594

Filed: November 06, 2007

Attorney Docket No. **INT-002**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 2009.

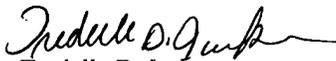
The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Rodriguez on behalf of all attorneys of record who are associated with customer No. 32836. All attorneys/agents associated with the Customer Number 32836 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 Dan Thomsen 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: **DAN THOMSEN  
STORE KONGENSGRADE 72  
COPENHAGEN K DK-1264  
DENMARK**



**GUERIN & RODRIGUEZ, LLP  
5 MOUNT ROYAL AVENUE  
MOUNT ROYAL OFFICE PARK  
MARLBOROUGH MA 01752**

**COPY MAILED**

**MAR 27 2009**

**OFFICE OF PETITIONS**

In re Application of :

**THOMSEN, Dan et al.** :

Application No. 11/935,607 :

Filed: November 06, 2007 :

Attorney Docket No. **INT-003** :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Rodriguez on behalf of all attorneys of record who are associated with customer No. 32836. All attorneys/agents associated with the Customer Number 32836 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Dan Thomsen 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: **INTERSE A/S C/O DAN THOMSEN  
STORE KONGENSGADE 72  
COPENHAGEN K DK DK-1264**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
www.uspto.gov

WPAT, PC  
INTELLECTUAL PROPERTY ATTORNEYS  
2030 MAIN STREET, SUITE 1300  
IRVINE CA 92614

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JAN 07 2008

**OFFICE OF PETITIONS**

In re Application of	:	
<b>SHIH-LIN LEE</b>	:	
Application No. 11/935,609	:	DECISION ON PETITION
Filed: November 06, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 18706-057	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 06, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

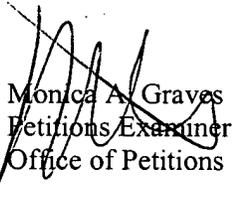
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of Shih-Lin Lee's passport, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

  
Monica A. Graves  
Petitions Examiner  
Office of Petitions



**GUERIN & RODRIGUEZ, LLP  
5 MOUNT ROYAL AVENUE  
MOUNT ROYAL OFFICE PARK  
MARLBOROUGH, MA 01752**

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FEB 12 2009

**OFFICE OF PETITIONS**

In re Application of

Dan THOMSEN

Application No. 11/935,621

Filed: November 6, 2007

Attorney Docket No. INT-004

:  
:  
:  
:  
:  
:  
:

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 A. Rodriguez on behalf of the attorneys of record associated with Customer No. 32836.

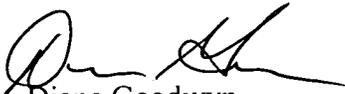
The attorneys of record associated with Customer No. 32836 have been withdrawn.

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 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 inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.



Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: DAN THOMSEN  
RYGARDS ALLE 20,  
DK-2900 HELLERUP  
DENMARK

cc: INTERSE A/S  
C/O DAN THOMSEN  
STORE KONGESGADE 72  
COPENHAGEN K  
DK-1264  
DENMARK



**GUERIN & RODRIGUEZ, LLP.  
5 MOUNT ROYAL AVENUE  
MOUNT ROYAL OFFICE PARK  
MARLBOROUGH MA 01752**

**COPY MAILED**

**MAR 27 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>THOMSEN, Dan et al.</b>	:	
Application No. 11/935,629	:	<b>DECISION ON PETITION</b>
Filed: November 06, 2007	:	<b>TO WITHDRAW</b>
Attorney Docket No. <b>INT-005</b>	:	<b>FROM RECORD</b>

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Rodriguez on behalf of all attorneys of record who are associated with customer No. 32836. All attorneys/agents associated with the Customer Number 32836 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 Dan Thomsen at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

*Tredelle D. Jackson*  
Tredelle D. Jackson  
Paralegal Specialist  
Office of Petitions

cc: **INTERSE A/S C/O DAN THOMSEN  
STORE KONGENSGADE 72  
COPENHAGEN K DK DK-1264**



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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JUN 20 2008

BROUSE MCDOWELL LPA  
388 SOUTH MAIN STREET  
SUITE 500  
AKRON OH 44311

In re Application of :  
Gregg, et al. : **DECISION ON PETITION**  
Application No. 11/935,642 :  
Filed: 6 November, 2007 :  
Attorney Docket No. 30433.46254 :

This is in response to the petition styled "Petition Under Rule 37 C.F.R. §1.47(b) ...," filed on 7 March, 2008, and considered under 37 C.F.R. §1.47(b).

**NOTE:** It does not appear that the Change of Address submitted by Petitioner on 1 May, 2008, has been entered—possibly because there appears to be a new firm seeking to undertake representation and there is no certificate under e 37 C.F.R. §3.73(b) in support of the change sought to be entered. If Petitioner desires to receive future correspondence regarding this application, the appropriate documentation must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary

The petition under 37 C.F.R. §1.47(b) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND**

Application No. 11/935,642

**WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition under 37 C.F.R. §1.47(b) requires: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage.

Petitioner lacks an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116. It appears that a petition, fee, statement of last known addresses, proof that the non-signing inventors have failed and so constructively refused to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings) and a statement/showing of irreparable harm are present.

Petitioner's attention is directed to the guidance provided in the Commentary in the Manual of Patent Examining Procedure, including that at MPEP §409.03 and §409.03(b) and (g).

## BACKGROUND

The record indicates:

The instant application was filed on 6 November, 2007, without, *inter alia*, a fully executed oath/declaration.

On 10 December, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required.

On 7 March, 2008, Petitioner Timothy D. Bennett (Reg. No. 42,312) filed, *inter alia*, the original petition and fee, an employment agreement, and documents supporting an averment of transmission of the entire application (description, claims, abstract and drawings) to the non-signing inventors—however, it appears that there was no an oath/declaration (two pages) filed with the petition, and the oath/declaration submitted on filing of the application was not signed by anyone.

Thus, there is no executed oath/declaration (signed by officer or authorized representative of assignee (with certificate under 37 C.F.R. §3.73(b))).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus,

Application No. 11/935,642

now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

The instant petition under 37 C.F.R. §1.47(b) is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                    Mail Stop PETITIONS  
                                  Commissioner for Patents  
                                  Post Office Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                    Customer Service Window  
                                  Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

By FAX:                    (571) 273-8300  
                                  ATTN: Office of Petitions

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

11/935642

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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BROUSE MCDOWELL LPA  
388 SOUTH MAIN STREET  
SUITE 500  
AKRON OH 44311

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**DEC 09 2008**  
**OFFICE OF PETITIONS**

In re Application of :  
Gregg, et al. : DECISION ON PETITION  
Application No. 11/935,642 :  
Filed: 6 November, 2007 :  
Attorney Docket No. 30433.46254 :

This is a decision in response to the petition filed on 9 July, 2008, under 37 C.F.R. §1.47.

**NOTE:** Again it is noted that, as of this writing, it does not appear that the Change of Address submitted by Petitioner on 1 May, 2008, has been entered—possibly because there appears to be a new firm seeking to undertake representation and there is no certificate under e 37 C.F.R. §3.73(b) in support of the change sought to be entered. If Petitioner desires to receive future correspondence regarding this application, the appropriate documentation must be submitted. A courtesy copy of this decision will be mailed to Petitioner (address obtained by telephone on 4 December, 2008). However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary

The petition under 37 C.F.R. §1.47(b) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(b) requires: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest: and proof of irreparable damage.

**BACKGROUND**

The record indicates:

The instant application was filed on 6 November, 2007, without, *inter alia*, a fully executed oath/declaration.

On 10 December, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required\.

On 7 March, 2008, Petitioner Timothy D. Bennett (Reg. No. 42,312) filed, *inter alia*, a petition and fee, an employment agreement, and documents supporting an averment of transmission of the entire application (description, claims, abstract and drawings) to the non-signing inventors and averment of proprietary interest/irreparable damage—however, it appears that there was no an oath/declaration (two pages) filed with the petition, and the oath/declaration submitted on filing of the application was not signed by anyone. Thus, there was no executed oath/declaration (signed by officer or authorized representative of assignee (with certificate under 37 C.F.R. §3.73(b)) and the petition was dismissed on 20 June, 2008

On 9 July, 2008, Petitioner re-advanced the petition, with the earlier showings, and a copy of the oath/declaration signed by the averred authorized agent of the assignee.

Petitioners' attentions always are directed to the guidance provided in the Commentary in the Manual of Patent Examining Procedure, including that at MPEP §409.03 and §409.03(b) and (g).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

Petitioner has stated the last known address of the non-signing inventor; offered proof of proprietary interest: and irreparable damage, and that the non-signing inventor has refused to sign/join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(b). This application is hereby accorded Rule 1.47(b) status.

### CONCLUSION

The instant petition under 37 C.F.R. §1.47(b) is **granted**.

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

cc:

EMERSON THOMSON BENNETT  
777 WEST MARKET STREET  
AKRON, OH 44303

---

<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



DANE W. GREGG  
12281 SPRINGWATER AVENUE  
UNIONTOWN, OH 44685

**COPY MAILED**

**DEC 09 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Gregg, et al. : COMMUNICATION  
Application No. 11/935,642 :  
Filed: 6 November, 2007 :  
Attorney Docket No. 30433.46254 :

Dear Dane W. Gregg:

You are named as an 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, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (<https://oedci.uspto.gov/OEDCI/>).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

While telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>1</sup>)

<sup>1</sup> The regulations at 37 C.F.R. §1.2 provide:

and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s). Moreover, the Office cannot neither advise you nor recommend Counsel in this matter.



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

Counsel of Record:  
BROUSE MCDOWELL LPA  
388 SOUTH MAIN STREET  
SUITE 500  
AKRON OH 44311

Alternatively:  
EMERSON THOMSON BENNETT  
777 WEST MARKET STREET  
AKRON, OH 44303

---

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



PETER J. SAVOY  
1334 WEST EXCHANGE STREET  
AKRON, OH 44313

**COPY MAILED**

**DEC 09 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Gregg, et al. : COMMUNICATION  
Application No. 11/935,642 :  
Filed: 6 November, 2007 :  
Attorney Docket No. 30433.46254 :

Dear Peter J. Savoy:

You are named as an 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, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (<https://oedci.uspto.gov/OEDCI/>).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

While telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>1</sup>)

<sup>1</sup> The regulations at 37 C.F.R. §1.2 provide:

and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s). Moreover, the Office cannot neither advise you nor recommend Counsel in this matter.



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

Counsel of Record:  
BROUSE MCDOWELL LPA  
388 SOUTH MAIN STREET  
SUITE 500  
AKRON OH 44311

Alternatively:  
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777 WEST MARKET STREET  
AKRON, OH 44303

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**HARNES, DICKEY & PIERCE, P.L.C.**  
**P.O. BOX 828**  
**BLOOMFIELD HILLS MI 48303**

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**OCT 27 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Hideo Tanaya, et al. :  
Application No. 11/935,661 : DECISION GRANTING PETITION  
Filed: November 6, 2007 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 9319J-002265 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 27, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on September 23, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2834 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

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APR 13 2009

OFFICE OF PETITIONS

In re Application of :  
Hideo Tanaya, et al. :  
Application No. 11/935,661 : DECISION GRANTING PETITION  
Filed: November 6, 2007 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 9319J-002265 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 10, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on February 16, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2834 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

<sup>1</sup> 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.



SMITH FROHWEIN TEMPEL GREENLEE BLAHA, LLC  
Two Ravinia Drive  
Suite 700  
ATLANTA GA 30346

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**MAR 10 2008**

In re Application of:	:	<b>OFFICE OF PETITIONS</b>
Prikhodko et al.	:	
Application No. 11/935690	:	<b>DECISION GRANTING</b>
Filing or 371(c) Date: 11/06/2007	:	<b>PETITION UNDER</b>
Title of Invention: COMPACT LOW LOSS	:	<b>37 CFR 1.47(a)</b>
HIGH FREQUENCY SWITCH WITH	:	
IMPROVED LINEARITY PERFORMANCE	:	

This is in response to a petition under 37 C.F.R 1.47 January 30, 2008, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Mikhail Shirokov, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent Application Processing for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods  
Attorney  
Office of Petitions



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MR. MIKHAIL SHIROKOV  
15 VINEYARD LANE  
METHUEN, MA 01844

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**MAR 10 2008**

In re Application of:	:	<b>OFFICE OF PETITIONS</b>
Prikhodko et al.	:	
Application No. 11/935690	:	<b>LETTER</b>
Filing or 371(c) Date: 11/06/2007	:	
Title of Invention: COMPACT LOW LOSS	:	
HIGH FREQUENCY SWITCH WITH	:	
IMPROVED LINEARITY PERFORMANCE	:	

Dear Mr. Shirokov:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

*Derek L. Woods*  
Derek L. Woods  
Attorney  
Office of Petitions

CC: SMITH FROHWEIN TEMPEL GREENLEE BLAHA, LLC  
Two Ravinia Drive  
Suite 700  
ATLANTA GA 30346



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BERESKIN AND PARR LLP/S.E.N.C.R.L. SRL  
40 KING STREET WEST, BOX 401  
TORONTO ON M5H 3Y2 CA  
CANADA

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**JUN 17 2009**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Andre LAVOIE	:	
Application No. 11/935,691	:	DECISION ON PETITION
Filed: November 6, 2007	:	TO WITHDRAW
Attorney Docket No. 15655-7	:	FROM RECORD
	:	

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 5, 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 Sandra Beauchesne on behalf of the attorneys of record associated with Customer No. 01059.

The attorneys of record associated with Customer No. 01059 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 inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.



Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: ANDRE LAVOIE  
1785 LEDOUX STREET  
TROIS-RIVIERES, QC G9A 6L6  
CANADA

cc: CAMIVAN INC.  
533, AVENUE DE LA MONTAGNE  
SHAWINIGAN, QUEBEC G9N 0A3  
CANADA

cc: SANDRA BEAUCHESNE  
600, BOUL. DE MAISONNEUVE OUEST,  
SUITE 2800  
MONTREAL, QUEBEC H3A 3J2  
CANADA



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/935,691	11/06/2007	Andre Lavoie	15655-7

1059  
BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.  
40 KING STREET WEST  
BOX 401  
TORONTO, ON M5H 3Y2  
CANADA

**CONFIRMATION NO. 8384**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 06/17/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/05/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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FAY KAPLUN & MARCIN, LLP  
150 BROADWAY, SUITE 702  
NEW YORK NY 10038

Applicant: Gueter  
Appl. No.: 11/935,702  
Filing Date: November 6, 2007  
Title: INTERFACE ADAPTER  
Attorney Docket No.: 40124/12201 (V 8016/KK)  
Pub. No.: 2008/0183935 A1  
Pub. Date: July 31, 2008

MAILED

APR 17 2009

OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 29, 2008 for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

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).

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

Mark O. Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



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GIFFORD, KRASS, SPRINKLE,  
ANDERSON & CITKOWSKI, P.C.  
P.O. BOX 7021  
TROY, MI 48007-7021

Mail Date: 04/21/2010

**Applicant** : Lauren M. Abro : DECISION ON REQUEST FOR  
**Patent Number** : 7581774 : RECALCULATION of PATENT  
**Issue Date** : 09/01/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/935,723 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/06/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **83** 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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Ridout & Maybee LLP  
225 King Street West  
10th Floor  
Toronto, ON M5V 3M2  
CANADA

Mail Date: 04/20/2010

<b>Applicant</b>	: Steven Fyke	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7635275	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/935,732	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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TEXAS INSTRUMENTS INCORPORATED  
P O BOX 655474, M/S 3999  
DALLAS TX 75265

MAILED

AUG 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Mohammad A. Al-Shyoukh	:	
Application No. 11/935,734	:	DECISION ON PETITION
Filed: November 6, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. TI-63081	:	

This is a decision on the petition, filed July 15, 2009, under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the non-provisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

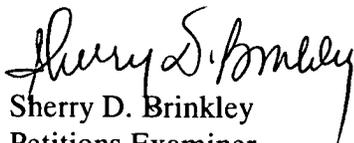
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2838 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

Attachment: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/935,734, 11/06/2007, 2838, 1030, TI-63081, 20, 3

CONFIRMATION NO. 8452

CORRECTED FILING RECEIPT



23494
TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Date Mailed: 08/19/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Mohammad A. Al-Shyoukh, Richardson, TX;

Power of Attorney: The patent practitioners associated with Customer Number 23494

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/865,764 11/14/2006

Foreign Applications

If Required, Foreign Filing License Granted: 12/05/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/935,734

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

SOFT-START CIRCUIT FOR POWER REGULATORS

**Preliminary Class**

323

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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TEXAS INSTRUMENTS INCORPORATED  
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DALLAS, TX 75265

Mail Date: 05/06/2010

Applicant : Mohammad A. Al-Shyoukh : DECISION ON REQUEST FOR  
Patent Number : 7619397 : RECALCULATION of PATENT  
Issue Date : 11/17/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/935,734 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 11/06/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **139** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
11/935,775	11/06/2007	Masahiro YONEKAWA	308164US28CONT	8540

22850 7590 07/11/2008  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
----------

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
07/11/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



072008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

In re Application of:  
Masahiro Yonekawa  
Serial No.: 11/935,775  
Filed: November 6, 2007  
Docket Number: 308164US28CONT  
Title: IMAGE FORMING APPARATUS  
CAPABLE OF ALLOWING EASY  
MAINTENANCE

:  
:  
DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102

This is a decision on the petition filed on November 6, 2007, to make the above-identified application special for accelerated examination procedure in accordance with 37 C.F.R. § 1.102(c)(2).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to M.P.E.P. §708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to M.P.E.P. §812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:  
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.
  
4. Time for Reply:  
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.
  
5. Reply by Applicant:  
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.  
  
For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.  
  
To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.
  
6. Information Disclosure Statement (IDS):  
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.
  
7. Post-Allowance Processing:  
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

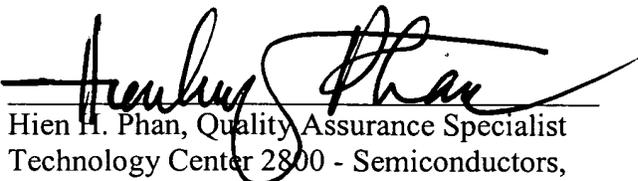
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, the application retains its special status after the filing of an RCE.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

  
Hien H. Phan, Quality Assurance Specialist  
Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



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SENNIGER POWERS LLP  
100 NORTH BROADWAY  
17TH FLOOR  
ST LOUIS, MO 63102

Mail Date: 04/20/2010

**Applicant** : David G. Kraenzle : DECISION ON REQUEST FOR  
**Patent Number** : 7651141 : RECALCULATION of PATENT  
**Issue Date** : 01/26/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/935,782 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/06/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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James R. Derry  
Arbitron Inc.  
9705 Patuxent Woods Drive  
Columbia, MD 21046

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OCT 08 2008

**OFFICE OF PETITIONS**

In re Application of :  
Jack C. Crystal :  
Application No. 11/935,788 : **DECISION ON PETITION**  
Filed: November 6, 2007 :  
Attorney Docket No. 25896.551/P0156A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 16, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts (Notice), mailed December 6, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 7, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$130 for the surcharge fee (2) the petition fee of \$1540, and (3) a proper statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37CFR 1.34(a), the signature of Michael Bergman appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision will be mailed to the address on the petition.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

A handwritten signature in black ink, appearing to read 'Brian Brown', with a long horizontal flourish extending to the right.

Brian Brown  
Petitions Examiner  
Office of Petitions

cc: Michael Bergman  
PO Box 400198  
Cambridge, MA 02140



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PHILIP S. JOHNSON  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

Mail Date: 04/20/2010

<b>Applicant</b>	: Terry L. Dietz	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7632314	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/935,827	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.



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PITTS AND BRITTIAN P C  
P O BOX 51295  
KNOXVILLE TN 37950-1295

**MAILED**

**APR 13 2010**

In re Application of  
Alvin E TODD JR.  
Application No. 11/935,855  
Filed: November 6, 2007  
Attorney Docket No. 33390.00

**OFFICE OF PETITIONS**  
**DECISION ON PETITION**  
**TO MAKE SPECIAL UNDER**  
**37 CFR 1.102(c)(1)**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 4, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by one named inventor in the application that he/she is 65 years of age, or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Olisa Anwah at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

David A. Bucci  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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www.uspto.gov

GODFREY & KAHN S.C.  
780 NORTH WATER STREET  
MILWAUKEE WI 53202

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JAN 21 2009

In re Application of :  
James Isaac Meyer :  
Application No. 11/935,891 : DECISION ON PETITION  
Filed: November 6, 2007 :  
Attorney Docket No: 072760-0003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 3, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed December 4, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 5, 2008. A Notice of Abandonment was mailed August 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings; (2) the petition fee of \$770.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/  
Liana Walsh  
Petition Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/935,919	11/06/2007	Jae Min HA	AB-244BUS	8844

7590 04/13/2009  
Haynes and Boone, LLP  
IP Section  
2323 Victory Avenue  
SUITE 700  
Dallas, TX 75219

EXAMINER

HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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04/13/2009

PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mimi Surmes*  
Patent Publication Branch  
Office of Data Management

Adjustment date: 04/15/2009 NFARMER  
11/07/2007 INTEFSW 00002773 502257 11935919  
02 FC:1111 510.00 CR



FISH & RICHARDSON P.C.  
P.O. BOX 1022  
MINNEAPOLIS MN 55440-1022

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**OCT 01 2008**

In re Application of	:	
Todd K. Whitehurst, et al.	:	
Application No. 11/935,921	:	DECISION ON PETITION
Filed: November 6, 2007	:	TO WITHDRAW
Attorney Docket No. 23845-007002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2008

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, “ownership transfer”, does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.



April M. Wise  
Petitions Examiner  
Office of Petitions



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**MORRISON & FOERSTER LLP  
755 PAGE MILL RD  
PALO ALTO, CA 94304-1018**

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**MAR 17 2008**

In re Application of	:	
MA, Yutao et al.	:	
Application No. 11/935,969	:	DECISION ON PETITION
Filed: November 06, 2007	:	TO WITHDRAW
Attorney Docket No. 188122009800	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 08, 2008.

The request is not approved because it is moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on March 12, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4231.

*Michelle R. Eason*  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **WHEELOCK CHAN LLP  
2880 ZANKER ROAD  
SUITE 109  
SAN JOSE, CA 95134**



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KING & SPALDING LLP  
1180 PEACHTREE STREET  
ATLANTA GA 30309-3521

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**DEC 22 2008**

**OFFICE OF PETITIONS**

In re Application of  
Sullenger et al.  
Application No 11/936,015  
Filed: November 6, 2007  
Attorney Dkt. No: 10815-105021Cont  
For: RNA Aptamers and Methods For  
Identifying the Same

:  
:  
: DECISION ON PETITION  
:  
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 14, 2008, to revive the above-identified application.

The petition is **Dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts in a Nonprovisional Application (Notice), mailed February 14, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. A Notice of Incomplete Reply was mailed on May 7, 2008. Accordingly, the application became abandoned on April 15, 2008. A Notice of Abandonment was mailed October 20, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1)

As to item (1), a review of the record shows that the Office is not in receipt of the statement that the substitute specification contains no new matter pursuant to 37 CFR 1.125(b).

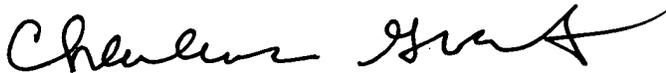
Further correspondence with respect to this matter should be addressed as follows:

By Mail:                    Mail Stop PETITION  
                                  Commissioner for Patents  
                                  P. O. Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                    U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant  
Petitions Attorney  
Office of Petitions



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KING & SPALDING LLP  
1180 PEACHTREE STREET  
ATLANTA GA 30309-3521

**MAILED**

MAR 06 2009

In re Application of  
Sullenger et al.  
Application No 11/936,015  
Filed: November 6, 2007  
Attorney Dkt. No: 10815-105021Cont  
For: RNA Aptamers and Methods For  
Identifying the Same

OFFICE OF PETITIONS  
DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed February 14, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. A Notice of Incomplete Reply was mailed on May 7, 2008. Accordingly, the application became abandoned on April 15, 2008. A Notice of Abandonment was mailed October 20, 2008. A petition filed under 37 CFR 1.137(b) was dismissed on December 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of substitute specification, claims and abstract and statement pursuant to 37 CFR 1.125 (2) the petition fee of \$1620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.

Charlema Grant  
Petitions Attorney  
Office of Petitions



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**DEC 10 2009**

**OFFICE OF PETITIONS**

DICKE, BILLIG & CZAJA  
FIFTH STREET TOWERS  
100 SOUTH FIFTH STREET, SUITE 2250  
MINNEAPOLIS, MN 55402

In re Application of Gray et al. :  
Application No. 11/936,027 : Decision on Petition  
Filing Date: November 6, 2007 :  
Attorney Docket No. G900.101.102 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 10, 2009, to revive the above-identified application.

The petition is **granted**.

The Office mailed a Notice to File Missing Parts of Nonprovisional Application on December 12, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. The Notice required the submission of several items including replacement drawings.

A reply was filed May 30, 2008, with payment for a four-month extension of time. The reply did not include replacement drawings.

The Office mailed a Notice of Incomplete Reply on June 4, 2009.

The application became abandoned on June 12, 2009.

The Office mailed a Notice of Abandonment on August 22, 2009.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the Notice to File Missing Parts in the form of replacement drawings. Petitioner has submitted the required petition fee of \$810. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Patent Application Processing will be informed of the instant decision and the application will be prepared for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. S. Brantley', is written over the typed name.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



DICKE, BILLIG & CZAJA  
FIFTH STREET TOWERS  
100 SOUTH FIFTH STREET, SUITE 2250  
MINNEAPOLIS, MN 55402

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DEC 10 2009

OFFICE OF PETITIONS

Decision on Petition

In re Application of Gray et al. :  
Application No. 11/936,027 :  
Filing Date: November 6, 2007 :  
Attorney Docket No. G900.101.102 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 10, 2009, to revive the above-identified application.

The petition is **granted**.

The Office mailed a Notice to File Missing Parts of Nonprovisional Application on December 11, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. A reply and payment for a four-month extension of time were filed May 30, 2008. The reply did not include replacement drawings as required in the December 11, 2007 Notice. The Office mailed a Notice of Incomplete Reply on June 4, 2008. The Office did not receive a second reply and the application became abandoned on June 12, 2008. The Office mailed a Notice of Abandonment on August 22, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the Notice of Omitted Items. Petitioner has submitted the required petition fee.

Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that

the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. *See Changes to Patent Practice and Procedure*, 62 *Fed. Reg.* at 53160 and 53178; 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The application will be forwarded to the Office of Patent Examination Processing for further processing.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



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TOWNSEND AND TOWNSEND AND CREW LLP/ 015114  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

<b>Applicant</b>	: Manoj B. Roge	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7590008	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/936,036	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **12** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO, CA 94111-3834

Mail Date: 05/18/2010

**Applicant** : Manoj B. Roge : NOTICE CONCERNING IMPROPER  
**Patent Number** : 7590008 : CALCULATION OF PATENT TERM  
**Issue Date** : 09/15/2009 : ADJUSTMENT BASED UPON USPTO  
**Application No** : 11/936,036 : IMPROPERLY MEASURING REDUCTION  
**Filed** : 11/06/2007 : PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **51** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154(b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).



SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN 2041 AU AUSTRALIA

In re Application of: :  
SILVERBROOK, Kia : DECISION ON PETITION  
U.S. Application No.: 11/936,064 :  
Filing Date: November 06, 2007 :  
Atty Docket No.: YU255US :  
For: MODULAR SELF-CAPPING WIDE :  
FORMAT PRINT ASSEMBLY :

This decision is issued in response to the "Petition Under 37 CFR 1.78(a)(3)" filed 19 April 2009. The required petition fee has been paid.

For the reasons discussed below, the petition is **DISMISSED** without prejudice.

The above-captioned U.S. application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed U.S. non-provisional applications is submitted after the expiration of the time period specified in 37 CFR 1.78(a)(2)(ii). Accordingly, the present application is properly considered under 37 CFR 1.78(a)(3).

A 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) to 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 present petition fails to comply with item (1) above.

37 CFR 1.78(a)(2)(iii) states that the required reference to the prior-filed application(s) "must be included in an application data sheet (37 CFR 1.76) or the specification must be amended to contain such reference in the first sentence(s) following the title." The present petition was accompanied by a proposed amendment to the first sentence of the specification containing additional priority claims; however, the references contained in this amendment are

not in acceptable form.<sup>1</sup> Specifically, the proposed amendment is defective because it incorrectly identifies the present application, 11/936,064 as a continuation of itself (“[t]he present application is a Continuation of US Application No. 11/936064”). Moreover, the amendment incorrectly identifies PCT/AU02/00765 as “a Continuation-In-Part of US Application No. 10/120348.” PCT/AU02/00765 does not contain the reference required under 37 CFR 1.78(a)(2) identifying the PCT application as a CIP of U.S. Application No. 10/120,348. See MPEP section 201.11(III)(C) (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.

Finally, the amendment is not acceptable as drafted because it improperly incorporates by reference additional prior-filed applications that were not incorporated by reference in the application as filed. See MPEP section 201.06(c)(IV) (emphasis added):

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).

Before the petition under 37 CFR 1.78(a)(3) may be granted, a renewed petition under 37 CFR 1.78(a)(3) is required. Such renewed petition must be accompanied by a substitute amendment or supplemental ADS which properly set forth the relationships of the prior-filed application(s) and which are submitted in acceptable form. No additional petition fee is required.

Further correspondence with respect to this matter should be addressed as follows:

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<sup>1</sup> Petitioner has also submitted a revised ADS; however, the ADS is not in the form required for a supplemental ADS (see 37 CFR 1.76(c)). Moreover, it is noted that the domestic priority references contained in the revised ADS are not consistent with those set forth in the proposed amendment (e.g., the amendment identifies U.S. application 10/510,000 as a national stage of PCT/AU02/00765, while the ADS incorrectly identifies 10/510,000 as a continuation of the international application).

By mail: Mail Stop PCT Legal Administration  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Mail Stop PCT Legal Administration  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-0459  
ATTN: Office of PCT Legal Administration

Electronically Via EFS-Web

Any questions concerning this matter may be directed to Richard M. Ross at (571) 272-3296.



Bryan Lin  
Legal Examiner  
Office of PCT Legal Administration



**VIERRA MAGEN/SANDISK CORPORATION**  
**575 MARKET STREET**  
**SUITE 2500**  
**SAN FRANCISCO CA 94105**

**MAILED**

**NOV 06 2009**

In re Application of :  
Daniel C. Guterman :  
Application No. 11/936,081 : DECISION GRANTING PETITION  
Filed: November 7, 2007 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. SAND-01029US2 :

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 4, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on September 29, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2824 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> 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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A PATENT LAWYER CORP, PLC  
R WILLIAM GRAHAM  
22 S ST CLAIR ST  
DAYTON OH 45402

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In re Application of  
Jerry E. Drumm  
Application No. 11/936,162  
Filed: November 7, 2007  
Attorney Docket No. D-00026-001

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by R. William Graham on behalf of all attorneys of record who are associated with customer No. 25179. All attorneys/agents associated with the Customer Number 25179 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed December 28, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: JERRY DRUMM  
1600-A MARS HILL DRIVE  
WEST CARROLTON, OH 45449



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/936,162	11/07/2007	Jerry E. Drumm	D-00026-001

**CONFIRMATION NO. 9323**

**POWER OF ATTORNEY NOTICE**



Date Mailed: 03/10/2010

25179  
A PATENT LAWYER CORP, PLC  
R WILLIAM GRAHAM  
22 S ST CLAIR ST  
DAYTON, OH 45402

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 01/05/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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MOAZZAM & ASSOCIATES, LLC  
7601 LEWINSVILLE ROAD  
SUITE 304  
MCLEAN VA 22102

In re application of : **DECISION ON PETITION**  
Zachary Miller Green : **TO MAKE SPECIAL FOR**  
Application No. 11/936,172 : **NEW APPLICATION**  
Filed: November 7, 2007 : **UNDER 37 CFR 1.102**  
For: SYSTEMS AND METHODS FOR CONTROLLING PORTFOLIOS

This is a decision on the petition filed on November 7, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

**REGULATION AND PRACTICE**

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches; the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where

each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.1, II.5.2, II.6.3, and II.6.5.

Condition II.5.1 requires that a preexamination search be made in databases covering U.S. patents, patent application publications, foreign patent documents, and non-patent literature, unless Applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources. While Applicant has searched the Internet, many of the recommended non-patent literature search areas for 705/36R (the area where the instant application would be best classified and searched) are not included. Applicant is reminded that search templates, specific to each class/subclass, may be found at

<http://www.uspto.gov/web/patents/searchtemplates/>. Looking toward the available search template and recommended areas of search for class 705/36R (see <http://www.uspto.gov/web/patents/searchtemplates/class705-035.htm>), some of the more relevant search areas would include the recommended database files listed on the collective 705/35-45 search template web page. Especially relevant to the claimed subject matter are database files such as American Banker Financial Publications, Banking Information Source, Bond Buyer Full Text, DIALOG Finance and Banking Newsletters, Financial Times, JSTOR Journals, and Wall Street Journal Abstracts.

As per Condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation. Applicant's keywords do not target some of the asserted distinctions of the claimed invention over the prior art nor do they account for a wide variety of synonyms that would produce a more comprehensive, yet focused search. For example, page 5 (section 9(C)) of the Accelerated Examination Support Document sets forth certain claimed features that are allegedly not taught or suggested by the prior art. These features include "transferring an asset from a first fund to a second fund automatically, via a computer and without any user intervention' based upon 'user predetermined criteria including a condition that triggers a transfer from one fund to another.'" Applicant's search of the U.S. patent document, pre-grant publication, and foreign document databases in East was very limited in scope. For example, five out of the seven search queries were limited to a specific class and the other two queries were limited to the forward citations (search field ".URPN.") of two specific U.S. patents. Limiting all queries that incorporate a text search to certain

classes omits relevant hits that would otherwise be identified outside of the specified classes. Additionally, Applicant's East queries were limited to the keywords "rebalance" (limited to the abstract field), portfolio (limited to the abstract field), and "automatic" in the same document as "portfolio." The use of truncation operators to catch variations of a word ending are recommended. More extensive use of synonyms should be employed as well. For example, in relation to the aforementioned claimed features that are allegedly not taught or suggested by the prior art, a text search limited by "rebalance" will ignore hits on similar words, like rebalanced, rebalances, rebalancing, re-balance, etc. It should also be noted that "rebalance" is not recited in any of the claim bodies; instead, it is only found in the claim preambles. The claim bodies utilize synonymous terminology to capture this concept (e.g., transferring assets from one fund to another, allocating or reallocating assets among funds/portfolios). The search queries should reflect these possible variations in terminology as well. (Also noted is that L1 of the East search queried 707/36R.ccls., which appears to be a typographical error since this class does not exist.)

As a matter of fact, certain limitations recited in the independent claims were not even represented at all in the search queries. For example, none of the queries are directed toward the claimed concept of having a user predetermined criteria including a condition that triggers the transfer of the asset, which is explicitly recited in independent claims 1 and 13.

A recommended search might be executed in all databases of East with the following search queries:

L1: (rebalanc\$3 OR re-balanc\$3 OR (re ADJ balanc\$3) OR allocat\$4 OR reallocat\$4 OR re-allocat\$4 OR (re ADJ allocat\$4) OR transfer\$4) NEAR5 (fund OR funds OR asset OR assets OR portfolio\$1 OR stock OR stocks OR bond or bonds)

L2: (transfer\$3 OR transact\$3 OR transaction\$1 OR rebalanc\$3 OR rebalanc\$3 OR (re ADJ balanc\$3) OR allocat\$4 OR reallocat\$4 OR re-allocat\$4 OR (re ADJ allocat\$4)) NEAR5 (automatic\$4 OR computer\$4 OR trigger\$3 OR (('without' OR 'no') NEAR5 (intervention\$1 OR human\$1 OR user\$1)))

L3: L1 AND L2

Please keep in mind that these are non-limiting search suggestions and they are only meant to serve as a possible starting point for Applicant's preexamination search. Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site: <http://www.uspto.gov/web/patents/accelerated/>

Also deficient from Applicant's petition as it pertains to Condition II.5.2 are search queries specific not only to the alleged patentably distinguishing features of the independent claims, but also those asserted in relation to the dependent claims. For all dependent claims, Applicant states, "With respect to the dependent claims, they further limit the independent claims which are shown to be free of any teachings of the cited reference." (Pages 3-5 of the Accelerated Examination Support Document) Applicant has not shown that any of the cited references teach any of the limitations recited in the dependent claims nor has Applicant admitted that any of these limitations is old and well-known in the art. Each of the claimed limitations in the dependent claims must also be searched. For example, claims 2 and 9 state that "the information in the fund database comprises an asset size of the fund, a gross performance of the fund, and a net fund performance," yet none of the search queries focuses on a fund size, fund gross performance, or a net fund performance (or synonyms thereof). Claims 3 and 10 recite "wherein the information in the fund database further comprises a one day, seven day, thirty day, six month, twelve month, three year, five year, and ten year average." Applicant's search queries do not refer to any time elements, much less those related to a fund.

As to Condition II.6.3, Applicant must address the patentability of the dependent claims. Applicant has not shown that any of the cited references teach any of the limitations recited in the dependent claims nor has Applicant admitted that any of these limitations is old and well-known in the art.

As to Condition II.6.5, the Accelerated Examination Support Document does not show where each limitation of all claims specifically finds support in the specification. Applicant's general statement that certain drawing figures and paragraphs of the specification support all of the claimed limitations is not sufficient.

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

## DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.



---

Robert A. Weinhardt,  
Business Practice Specialist  
Technology Center 3600

RW/SMD/11/29/07



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Alexandria, VA 22313-1450  
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MOAZZAM & ASSOCIATES, LLC  
7601 LEWINSVILLE ROAD  
SUITE 304  
MCLEAN VA 22102

JAN 19 2008  
TECHNOLOGY CENTER 3600

In re application of : **DECISION ON PETITION**  
Zachary Miller Green : **TO MAKE SPECIAL FOR**  
Application No. 11/936,172 : **NEW APPLICATION**  
Filed: November 7, 2007 : **UNDER 37 CFR 1.102**  
For: SYSTEMS AND METHODS FOR CONTROLLING PORTFOLIOS

This is a decision on the renewed petition filed on January 4, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on November 7, 2007. That petition was dismissed in a decision mailed December 4, 2007 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reasons for the dismissal involved compliance with conditions II.5.1, II.5.2, II.6.3, and II.6.5 (as set forth in the petition decision mailed December 4, 2007). While Applicant's renewed petition request filed on January 4, 2008 partially addresses the previous issues with regard to condition II.5.2 (especially as it pertained to the search of the independent claims), Applicant has not fully addressed all issues raised with regard to conditions II.5.1, II.5.2 (as it pertained to the search of the dependent claims), II.6.3, and II.6.5.

As per condition II.5.1, it was requested (in the petition dismissal mailed December 4, 2007) that Applicant search the more relevant database files recommended by the 705/35-45 template, including database files such as American Banker Financial Publications, Banking Information Source, Bond Buyer Full Text, DIALOG Finance and Banking Newsletters, Financial Times, JSTOR Journals, and Wall Street Journal Abstracts. In the pre-examination search document submitted with the renewed AE petition filed January 4, 2008, Applicant lists American Banker Financial Publications, Banking Information Source, Bond Buyer Full Text, DIALOG Finance and Banking

Newsletters, Financial Times, JSTOR Journals, and Wall Street Journal Abstracts (along with USPTO East and BRS) as the database service(s) used to search U.S. Patent and Foreign Patent Document databases. American Banker Financial Publications, Banking Information Source, Bond Buyer Full Text, DIALOG Finance and Banking Newsletters, Financial Times, JSTOR Journals, and Wall Street Journal Abstracts are database files, so it is not clear how they were used as a database service(s). Even if these database files were searched as database files, Applicant has not provided the name(s) of the database service(s) used to search these files.

As per condition II.5.2, it was requested (in the petition dismissal mailed December 4, 2007) that Applicant search all of the features recited in the dependent claims. While Applicant's updated search seems to address dependent claims 3 and 10, other features in the dependent claims (such as the asset size recited in claims 2 and 9) were not reflected in any of the pre-examination searches. Non-limiting examples of features in the dependent claims that were not searched were provided in the petition decision mailed December 4, 2007. Other examples of unsearched limitations include the if/the commands of claim 4, the personal computer of claim 5, the specific triggering conditions recited in claim 6, the confirmation recited in claim 7, etc.

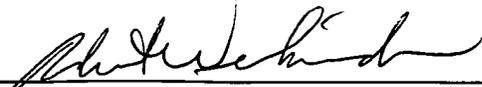
As per condition II.6.3, it was requested (in the petition dismissal mailed December 4, 2007) that Applicant address the patentability of the dependent claims. Applicant has not searched all of the limitations recited in the dependent claims nor has Applicant admitted that any of the features in the dependent claims are old and well-known in the art. Applicant also has not clarified if the dependent claims recite features that are further patentably distinguishing for reasons beyond those set forth for the independent claims.

As per condition II.6.5, it was requested (in the petition dismissal mailed December 4, 2007) that Applicant show where each limitation of all claims finds support in the specification. As explained in the December 4<sup>th</sup> petition decision, Applicant's general statement that certain drawing figures and paragraphs of the specification support all of the claimed limitations is not sufficient. Applicant has not remedied this deficiency in the renewed petition request.

Consequently, Applicant has not met the requirements for an Accelerated Examination petition. For the above stated reasons, the petition is **denied**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition has been given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.



---

Robert A. Weinhardt,  
Business Practice Specialist  
Technology Center 3600

RW/SMD/1/13/08



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MOAZZAM & ASSOCIATES, LLC  
7601 LEWINSVILLE ROAD, SUITE 304  
MCLEAN VA 2210

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OCT 27 2008

**OFFICE OF PETITIONS**

In re Application of	:	
<b>GREEN, et al.</b>	:	
Application No. 11/936,172	:	DECISION ON PETITION
Filed: November 7, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. <b>ZAK-101</b>	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 7, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the certification by registered attorney Fariborz Moazzam, attesting to the age of inventor Milton J. Wolfson. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Technology Center at 571-272-3600.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to Technology Center Art Unit 3692 for action on the merits commensurate with this decision.

Monica A. Graves  
Petitions Examiner  
Office of Petitions



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Virginia P. Shogren, P.C.  
961 W. Oak Court  
Sequim, WA 98382

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SEP 24 2008

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Frank A. Needham	:	
Application No. 11/936,225	:	DECISION ON PETITION
Filed: November 7, 2007	:	TO WITHDRAW
Attorney Docket No. 5131-003 US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 30, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Virginia P. Shogren on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Frank A. Needham at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams  
Petitions Examiner  
Office of Petitions

cc: Frank A. Needham  
P.O. Box 3044  
Sequim, WA 98382



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/936,225	11/07/2007	Frank A. Needham	5131-003 US

**CONFIRMATION NO. 9429**

**POWER OF ATTORNEY NOTICE**



Date Mailed: 09/23/2008

54540  
VIRGINIA P. SHOGREN, P.C.  
961 W. OAK COURT  
SEQUIM, WA 98382

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 07/30/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



**CICHOSZ & CICHOSZ, PLLC**  
**129 E. COMMERCE**  
**MILFORD MI 48381**

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**OCT 14 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Zettel et al. :  
Application No. 11/936,291 : **DECISION ON PETITION**  
Filed: November 7, 2007 :  
Attorney Docket No. GP-307845/PTH/CD :

This is a decision on the petition under 37 CFR 1.137(b), filed July 18, 2008, to revive the above-identified application, which was accompanied by a petition under 37 CFR 1.47(a), filed July 18, 2008, to accept a Declaration that is not signed by all of the joint inventors.

The petition under 37 CFR 1.47(a) is **DISMISSED** and the petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b) and Request for Reconsideration of Petition Under 37 CFR 1.47(a)." Also, the reconsideration request should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 3, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 4, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. *See* MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1) above.

The Notice mailed December 3, 2007 required a properly signed oath or declaration in compliance with 37 CFR 1.63 and a \$130.00 late oath or declaration surcharge. The \$130.00 surcharge was paid. However, a declaration was submitted signed by two of the three inventors, but not signed by inventor Michael J. Miller.

Petition Under 37 CFR 1.47(a)

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1).

The applicable statute (35 U.S.C. § 116) requires that a “diligent effort” have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Michael J. Miller, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

To date, petitioner has shown that an effort was made to find inventor Miller through mailings to his last known address and a telephone call to the number associated with Mr. Miller at his last known address. Although this effort was appropriate, it did not constitute a diligent effort.

Petitioner should conduct a search of the regional or national registry(s), including an internet search. The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Miller’s personnel records from his employment with General Motors Corporation and, if so, what does inspection of the records reveal as to a forwarding address, an address of the nearest living relative, or the address of an emergency contact who may be helpful in locating Mr. Miller? What does inspection of the phone directories for those address locations reveal? Furthermore, there is no evidence of record that the mailed correspondences requested a forwarding address. Petitioner should mail correspondence to the inventor’s last known address, forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Mr. Miller’s forwarding address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary**



Any questions concerning this matter may be directed to the undersigned at (571) 272-6692.

A handwritten signature in black ink, appearing to read "Christopher Bottorff". The signature is written in a cursive style with a large initial 'C'.

Christopher Bottorff  
Petitions Examiner  
Office of Petitions



**CICHOSZ & CICHOSZ, PLLC**  
**129 E. COMMERCE**  
**MILFORD MI 48381**

**MAILED**

**JAN 30 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Zettel et al. :  
Application No. 11/936,291 : **DECISION ON PETITION**  
Filed: November 7, 2007 :  
Attorney Docket No. GP-307845/PTH/CD :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 15, 2008, to revive the above-identified application, which was accompanied by a renewed petition under 37 CFR 1.47(a) that included a Declaration signed by a previously non-signing inventor, Michael J. Miller, in compliance with 37 CFR 1.63.

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT** and

The petition under 37 CFR 1.137(b) is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 3, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 4, 2008.

Petition Under 37 CFR 1.47(a)

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

Petition Under 37 CFR 1.137(b)

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed declaration in compliance with 37 CFR 1.63 and the surcharge for the late submission of the declaration, (2) the petition fee of \$1540.00, and (3) a proper statement of unintentional delay.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   Customer Service Window  
                              Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By fax:                   (571) 272-8300  
                              ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6692.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.



Christopher Bottorff  
Petitions Examiner  
Office of Petitions



STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON DC 20005

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**MAY 19 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Kim et al. :  
Application No. 11/936,295 : ON PETITION  
Deposited: November 7, 2007 :  
Attorney Docket No. 1901.1241 :

This is in response to the "Petition in Response to Notice of Incomplete Nonprovisional Application Filed under 37 CFR 1.53(B) and To Add inadvertently Omitted Based Upon Priority Claim and Incorporation by Reference" filed February 1, 2008, requesting that the above-referenced application be accorded a filing date of November 7, 2007. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>.

Application papers in the above-identified application were deposited on November 7, 2007. However, on December 3, 2007, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in

<sup>1</sup> Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

[i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

It should be noted that a review of the drawings submitted on petition shows that the drawings are not compliant with 37 CFR 1.121(d). When the Office receives replacement sheets of drawings for patent applications after the application has been filed, a cover letter identifying the drawings by application number should accompany them. The application number and other identifying indicia should be placed on each sheet of drawings in accordance with 37 CFR 1.84(c). Each drawing sheet submitted after the filing date of the application must be identified as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

To the extent the instant petition requests a filing date of November 7, 2007 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to November 7, 2007;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed February 1, 2008 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Charlema Grant at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Anthony Knight". The signature is written in a cursive style with a large initial "A" and a long horizontal stroke extending to the right.

Anthony Knight  
Supervisor  
Office of Petitions



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Paper No.

LAW OFFICE OF DAVID H. JUDSON  
15950 DALLAS PARKWAY  
SUITE 225  
DALLAS TX 75248

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**SEP 15 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Bernhard et al. : DECISION ON PETITION  
Application No. 11/936,317 :  
Filed: November 7, 2007 :  
Atty Docket No. ARC 009 PCT :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed July 30, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice to File Corrected Application Papers mailed December 11, 2007. The Notice set a time limit for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. No reply having been received and no extension of time obtained, the above-identified application became abandoned on February 12, 2008. The instant petition precedes the mailing of a courtesy Notice of Abandonment.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). The petition includes the required reply in the form of replacement drawings; the petition fee; and the required statement of unintentional delay.

The application is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, including processing of the responses submitted on petition filed July 30, 2008.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large initial "N" and "J".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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Alexandria, VA 22313-1450  
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**MELVIN K. SILVERMAN AND ASSOCS PC  
500 WEST CYPRESS CREEK ROAD  
SUITE 350  
FT. LAUDERDALE FL 33309**

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**AUG 19 2008**

In re Application of	:	
Dominick D. Delillo	:	
Application No. 11/936,402	:	DECISION ON PETITION
Filed: November 7, 2007	:	TO WITHDRAW
Attorney Docket No. 1322.004	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 21, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Menina E. Cohen. Menina E. Cohen has been withdrawn as attorney or agents of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

*Terri Williams*  
Terri Williams  
Petitions Examiner  
Office of Petitions



**Withers & Keys for Bell South**  
**P.O. Box 71355**  
**Marietta, GA 30007-1355**

**MAILED**

**JUL 21 2009**

In re Application of	:	
Darryl C. Moore	:	<b>OFFICE OF PETITIONS</b>
Application No. 11/936,436	:	<b>DECISION ON PETITION</b>
Filed: November 7, 2007	:	<b>TO WITHDRAW</b>
Attorney Docket No. 20009.0324US01(070229)	:	<b>FROM RECORD</b>
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 22, 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 Jeramie J. Keys and all attorneys/agents associated with customer number 45695 has been revoked by the assignee of the patent application on July 7, 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 address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

*Kimberly Inabinet*  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: AT & T Legal Department – AS  
Attn: Patent Docketing  
Room 2A-207  
One AT & T Way  
Bedminster, NJ 07921



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NUTTER MCCLENNEN & FISH LLP  
WORLD TRADE CENTER WEST  
155 SEAPORT BOULEVARD  
BOSTON MA 02210-2604

**COPY MAILED**

**MAY 28 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Arnold Keller : **DECISION ON PETITION**  
Application No. 11/936,510 :  
Filed: 11/07/2007 :  
Attorney Docket No. 101896-0974 :  
(DEP5263CNT1) :

This is a decision on the petition under 37 CFR 1.137(b), filed December 23, 2008, to revive the above-identified application.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Corrected Application Papers mailed December 20, 2007, which set a two-month extendable period to reply. The above-identified application became abandoned on February 21, 2008. On September 2, 2008, the Office mailed a Notice of Abandonment.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **GRANTED**.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211.

*C. F. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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DYKEMA GOSSETT PLLC  
10 S. WACKER DR., STE. 2300  
CHICAGO, IL 60606

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MAR 02 2009

**OFFICE OF PETITIONS**

In re Application of  
Alex SUK  
Application No. 11/936,521  
Filed: November 7, 2007  
Attorney Docket No. 100645.0008

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed December 12, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Gregory M. Zinkl, 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 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: UNILCOUS MARKETING INC.,  
ATTN: PHILLIP KIM  
233 S. WACKER DRIVE, SUITE 5401  
CHICAGO, IL 60606



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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.
11/936,594	11/07/2007	Stefan B. Edlund	ARC920070047US1	1119

67232 7590 11/30/2007  
CANTOR COLBURN, LLP - IBM ARC DIVISION  
55 GRIFFIN ROAD SOUTH  
BLOOMFIELD, CT 06002

EXAMINER

MOFIZ, APU M

ART UNIT PAPER NUMBER

2161

MAIL DATE DELIVERY MODE

11/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



Greg O'Bradovich  
CANTOR COLBURN, LLP  
IBM ARC DIVISION  
55 Griffin Road South  
Bloomfield, CT 06002

In re Application of:	:	
EDLUND et al	:	
Serial No.: 11/936,594	:	
Filed: November 7, 2007	:	DECISION ON PETITION TO
Attorney Docket: ARC920070047US1	:	MAKE SPECIAL FOR NEW
Title: METHODS AND COMPUTER	:	APPLICATION UNDER 37
PROGRAM PRODUCTS FOR	:	C.F.R. § 1.102 & M.P.E.P. §
TRANSACTION CONSISTENT	:	708.02
CONTENT REPLICATION	:	

This is a decision on the petition filed on November 07, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
  - 5.3. encompass the disclosed features that may be claimed.
  6. must provide in support of the petition an accelerated examination support document.
- An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

### REVIEW OF FACTS

The conditions I.1 - I.4, II.1 - II.4, II.5.1- II.5.3, II.6.1 - II.6.4 and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.2 and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above, the Accelerated Examination Support Document fails to identify where each limitation of the claims 2 and 4 finds support under 35 U.S.C. § 112, first paragraph in the instant application. Further, the Accelerated Examination Support Document fails to identify where the support for the claimed limitations "computer program product" and "computer readable medium".

### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.



Vincent N. Trans, SPRE/QAS  
Technology Center 2100  
Computer Architecture, Software, and  
Information Security



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/936,594	11/07/2007	Stefan B. Edlund	ARC920070047US1	1119

67232 7590 01/02/2008  
CANTOR COLBURN, LLP - IBM ARC DIVISION  
20 Church Street  
22nd Floor  
Hartford, CT 06103

EXAMINER

MOFIZ, APU M

ART UNIT	PAPER NUMBER
2161	

2161

MAIL DATE	DELIVERY MODE
01/02/2008	PAPER

01/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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Wendell A. Peete, Jr.  
CANTOR COLBURN, LLP  
IBM ARC DIVISION  
55 Griffin Road South  
Bloomfield, CT 06002

MAILED

JAN 03 2008

TECHNOLOGY CENTER 2100

In re Application of:  
EDLUND et al  
Serial No.: 11/936,594  
Filed: November 7, 2007  
Attorney Docket: ARC920070047US1  
Title: METHODS AND COMPUTER  
PROGRAM PRODUCTS FOR  
TRANSACTION CONSISTENT  
CONTENT REPLICATION

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DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the renewed petition filed on December 27, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

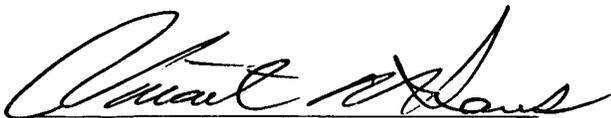
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.



Vincent N. Trans, SPRE/QAS  
Technology Center 2100  
Computer Architecture, Software, and  
Information Security



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/936,602	11/07/2007	Stefan B. Edlund	ARC920070048US1	1134

67232 7590 11/30/2007  
CANTOR COLBURN, LLP - IBM ARC DIVISION  
55 GRIFFIN ROAD SOUTH  
BLOOMFIELD, CT 06002

EXAMINER

MOFIZ, APU M

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
11/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



Greg O'Bradovich  
CANTOR COLBURN, LLP  
IBM ARC DIVISION  
55 Griffin Road South  
Bloomfield, CT 06002

In re Application of:	:	
EDLUND et al	:	
Serial No.: 11/936,602	:	
Filed: November 7, 2007	:	
Attorney Docket: ARC920070048US1	:	DECISION ON PETITION TO
Title: METHODS AND COMPUTER	:	MAKE SPECIAL FOR NEW
PROGRAM PRODUCTS FOR EFFICIENT	:	APPLICATION UNDER 37
CONFLICT DETECTION IN A	:	C.F.R. § 1.102 & M.P.E.P. §
REPLICATED HIERARCHICAL	:	708.02
CONTENT REPOSITORY USING	:	
REPLICATION ANCHORS	:	

This is a decision on the petition filed on November 07, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

#### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
  - 5.3. encompass the disclosed features that may be claimed.
  6. must provide in support of the petition an accelerated examination support document.
- An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the

showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;  
6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

### REVIEW OF FACTS

The conditions I.1 - I.4, II.1 - II.4, II.5.1- II.5.3, II.6.1 - II.6.4 and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.2 and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding to the requirement of MPEP § 708.02(a)(I)(I)(5) and item II.6.5 above, the Accelerated Examination Support Document fails to identify where each limitation of the claims 2-3 and 5-6 finds support under 35 U.S.C. § 112, first paragraph in the instant application. Further, the Accelerated Examination Support Document fails to identify where the support for the claimed limitations "computer program product" and "computer readable medium".

### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.



Vincent N. Trans, SPRE/QAS  
Technology Center 2100  
Computer Architecture, Software, and Information Security



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/936,602	11/07/2007	Stefan B. Edlund	ARC920070048US1	1134
67232	7590	01/02/2008	EXAMINER	
CANTOR COLBURN, LLP - IBM ARC DIVISION			MOFIZ, APU M	
20 Church Street			ART UNIT	PAPER NUMBER
22nd Floor			2161	
Hartford, CT 06103			MAIL DATE	DELIVERY MODE
			01/02/2008	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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Wendell A. Peete, Jr.  
CANTOR COLBURN, LLP  
IBM ARC DIVISION  
55 Griffin Road South  
Bloomfield, CT 06002

**MAILED**

**JAN 03 2008**

TECHNOLOGY CENTER 2100

In re Application of: :  
EDLUND et al :  
Serial No.: 11/936,602 :  
Filed: November 7, 2007 :  
Attorney Docket: ARC920070048US :  
Title: METHODS AND COMPUTER :  
PROGRAM PRODUCTS FOR EFFICIENT :  
CONFLICT DETECTION IN A :  
REPLICATED HIERARCHICAL :  
CONTENT REPOSITORY USING :  
REPLICATION ANCHORS :

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the renewed petition filed on December 27, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.



Vincent N. Trans, SPRE/QAS  
Technology Center 2100  
Computer Architecture, Software, and  
Information Security



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MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO IL 60661

**COPY MAILED**  
**AUG 07 2008**

In re Application of :  
Jackson and Knight : DECISION ACCORDING STATUS  
Application No. 11/936,640 : UNDER 37 CFR 1.47(a)  
Filed: 11/07/2007 :  
Attorney Docket No. 19176US01 (P62598) :  
Title: GAMING SYSTEM AND A METHOD :  
OF GAMING :

This is in response to the "PETITION TO WAIVE INVENTOR SIGNATURE UNDER 37 CFR 1.47(b)," filed June 5, 2008, which is being treated as a petition under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioners showed that the non-signing inventor constructively refused to join in the filing of the above-identified application after having been presented with a copy of the application papers.

The above-identified application and papers have been reviewed and are in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being referred to Technology Center AU 3714 for examination in due course.

Inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Robert James Jackson  
36 Ryrle Road  
Earlwood, NSW, 2206  
Australia

**COPY MAILED**

**AUG 07 2008**

In re Application of :  
Jackson and Knight :  
Application No. 11/936,640 : LETTER  
Filed: 11/07/2007 :  
Attorney Docket No. 19176US01 (P62598) :  
Title: GAMING SYSTEM AND A METHOD OF :  
GAMING :

Dear Mr. Jackson:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

*C. T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO IL 60661



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Dykema Gossett PLLC  
10 S. Wacker Drive, Ste. 2300  
Chicago, IL 60606

MAILED

FEB 24 2009

OFFICE OF PETITIONS

In re Application of  
Alex Suk  
Application No. 11/936,643  
Filed: November 7, 2007  
Attorney Docket No. 100645.0010

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed December 12, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Gregory M. Zinkl does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

*Kimberly Inabinet*  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Unicoous Marketing Inc.  
Attn: Phillip Kim  
233 S. Wacker Drive, Suite 5401  
Chicago, IL 60606



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FULWIDER PATTON LLP  
HOWARD HUGHES CENTER  
6060 CENTER DRIVE, TENTH FLOOR  
LOS ANGELES CA 90045

MAILED  
NOV 05 2009  
OFFICE OF PETITIONS

In re Application of :  
Randolph Borene, et al. :  
Application No. 11/936,653 : DECISION ON PETITION  
Filed: November 7, 2007 : TO MAKE SPECIAL UNDER  
Attorney Docket No. BORR-74428 : 37 CFR 1.102(c)(1)  
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 22, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the first named inventor 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 Johnson 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 3727 for action on the merits commensurate with this decision.

  
Terri Johnson  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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TEXAS INSTRUMENTS INCORPORATED  
P O BOX 655474, M/S 3999  
DALLAS, TX 75265

Mail Date: 04/20/2010

**Applicant** : Rex W. Pirkle : DECISION ON REQUEST FOR  
**Patent Number** : 7598759 : RECALCULATION of PATENT  
**Issue Date** : 10/06/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/936,689 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/07/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **167** 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.



**KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614**

**MAILED**

**JUL 21 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Joel Margulies et al.	:	
Application No. 11/936,696	:	DECISION ON PETITION
Filed: November 7, 2007	:	TO WITHDRAW
Attorney Docket No. PHARW.002A	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Mark R. Benedict on behalf of all attorney/agents associated with customer number 20995. All attorneys/agents associated with customer number 20995 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. Accordingly, all correspondence will be mailed to address of the first signing inventor at the first copied address below. A courtesy copy of this decision will be mailed to the address noted on the request. If this person(s) desire to receive future correspondence regarding this application, the proper change of correspondence address

forms must be submitted. Refer to form number PTO/SB/122. The form must include signatures of all the inventors.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Joel Margulies  
1135 Farmhouse Road  
Lascassas, TN 37085

cc: Terry Jacobs  
3115 Ocean Front Walk  
Apt 302  
Marina Del Rey, CA 90292



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
--------------------	-----------------------	-----------------------	------------------------

11/936,696

11/07/2007

Joel Margulies

PHARW.002A

**CONFIRMATION NO. 1311**

**POWER OF ATTORNEY NOTICE**

20995  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614



OC000000037005177

Date Mailed: 07/20/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/22/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



LORENZO TORRESANI  
3 RALEIGH CLOSE  
CAMBRIDGE, GREAT BRITAIN  
CB28AZ

**COPY MAILED**

MAR 26 2008

In re Application of  
Salih Burak Gokturk et al.  
Application No. 11/936,705  
Filed: November 7, 2007  
For: **SYSTEM AND METHOD FOR ENABLING IMAGE RECOGNITION AND  
SEARCHING OF IMAGES**

Dear Mr. Torresani:

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 joint inventors.

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 Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

cc:

SHEMWELL MAHAMEDI LLP  
4880 STEVENS CREEK BOULEVARD  
SUITE 201  
SAN JOSE CA 95129



SHEMWELL MAHAMEDI LLP  
4880 STEVENS CREEK BOULEVARD  
SUITE 201  
SAN JOSE CA 95129

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MAR 26 2008

In re Application of :  
Salih Burak Gokturk et al. :  
Application No. 11/936,705 : DECISION ACCORDING STATUS  
Filed: November 7, 2007 : UNDER 37 CFR 1.47(a)  
Attorney Docket No. OJOS.P115 :

This is in response to the petition filed March 4, 2008 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on November 7, 2007, without an oath or declaration. Accordingly, on December 4, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the instant petition under 37 CFR 1.47(a), a one month extension of time request and an oath or declaration signed by all joint inventors except Lorenzo Torresani was filed. The petition argues that joint inventor Torresani has failed to return executed copies of the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were forwarded to and received by joint inventor Torresani and that to date, he has not returned an executed copy of the oath or declaration.

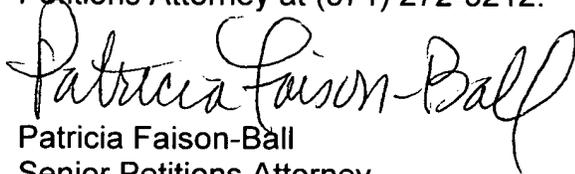
The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby **accorded Rule 1.47(a) status**.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing

to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



SHEMWELL MAHAMEDI LLP  
4880 STEVENS CREEK BOULEVARD  
SUITE 201  
SAN JOSE CA 95129

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MAR 26 2008

In re Application of :  
Salih Burak Gokturk et al. :  
Application No. 11/936,713 : DECISION ACCORDING STATUS  
Filed: November 7, 2007 : UNDER 37 CFR 1.47(a)  
Attorney Docket No. OJOS.P116 :

This is in response to the petition filed March 4, 2008 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on November 7, 2007, without an oath or declaration. Accordingly, on December 4, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, the instant petition under 37 CFR 1.47(a), a one month extension of time request and an oath or declaration signed by all joint inventors except Lorenzo Torresani was filed. The petition argues that joint inventor Torresani has failed to return executed copies of the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were forwarded to and received by joint inventor Torresani and that to date, he has not returned an executed copy of the oath or declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing

to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center 2624 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive style with a large initial 'P' and 'B'.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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Date Mailed: December 12, 2008

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203

Applicant: Petcavich  
Appl. No.: 11/936,745  
Filing Date: November 7, 2007  
Title: PROCESS AND COATING COMPOSITION FOR EXTENDING THE SHELF LIFE OF  
POST HARVEST PRODUCE  
Attorney Docket No.: BHD-937-1542  
Pub. No.: US 2008/0063762 A1  
Pub. Date: March 13, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on December 11, 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.** 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](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: 12/15/2008 KKING1  
12/12/2008 INTEFSW 00005575 141140 11936745  
01 FC:1504 300.00 CR



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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.
11/936,745	11/07/2007	Robert J. PETCAVICH	BHD-937-1542	1389

23117                      7590                      06/02/2009  
NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER
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CHAWLA, JYOTI

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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06/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203

Applicant: Petcavich  
Appl. No.: 11/936,745  
Filing Date: November 7, 2007  
Title: PROCESS AND COATING COMPOSITION FOR EXTENDING THE SHELF LIFE OF  
POST HARVEST PRODUCE  
Attorney Docket No.: BHD-937-1542  
Pub. No.: US 2008/0063762 A1  
Pub. Date: March 13, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on May 15, 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:

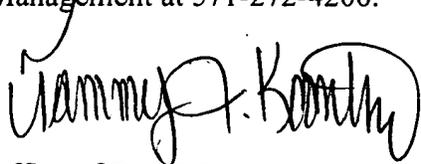
[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

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: 06/03/2009 KKing1  
05/18/2009 INTEFSW 00001871 231925 11936745  
01 FC:1504 300.00 CR



TOKYO ELECTRON U.S. HOLDINGS, INC.  
4350 W. CHANDLER BLVD.  
SUITE 10  
CHANDLER, AZ 85226

**COPY MAILED**

NOV 24 2008

**OFFICE OF PETITIONS**

In re Application of	:	
Joerg Bischoff et al	:	
Application No. 11/936,747	:	ON PETITION
Filed: November 7, 2007	:	
Attorney Docket No. TTI-128	:	

This is a decision on the petition, filed October 2, 2008 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Corrected Application Papers (Notice) mailed December 14, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 15, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (2).

The Office received \$540 with the petition on October 2, 2008. The petition fee under 37 CFR 1.137(b) large entity is \$1620. The \$540 will be applied toward the petition fee, which leave a balance of \$1080. Accordingly, this petition can not be revive until the \$1080 balance is received.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   Customer Service Window  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By facsimile:           (571) 273-8300  
                              ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.



Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc:     Manuel Madriaga  
          2953 Bunker Hill Lane, Suite 301  
          Santa Clara, CA 95054



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

TOKYO ELECTRON U.S. HOLDINGS, INC.  
4350 W. CHANDLER BLVD.  
SUITE 10  
CHANDLER, AZ 85226

**COPY MAILED**

JAN 12 2009

**OFFICE OF PETITIONS**

In re Application of :  
Joerg Bischoff et al :  
Application No. 11/936,747 :  
Filed: November 7, 2007 :  
Attorney Docket No. TTI-128 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 5, 2008, to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

TOKYO ELECTRON U.S. HOLDINGS, INC.  
4350 W. CHANDLER BLVD  
SUITE 10  
CHANDLER AZ 85226

**COPY MAILED**

**OCT 15 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Bischoff et al. :  
Application No. 11/936,769 : DECISION ON PETITION  
Filed: November 7, 2007 :  
Attorney Docket No: TT1-184 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 3, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed December 12, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 13, 2008. A Notice of Abandonment was mailed August 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings; (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

Petitioner has submitted the unavoidable petition fee of \$540.00 whereas the unintentional petition fee is \$1,620.00. The \$1,080.00 difference will be charged to petitioner's deposit account as authorized on November 7, 2008.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Liana Walsh/  
Liana Walsh  
Petition Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Paper No.

L. HOWARD CHEN  
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS, LLP  
55 SECOND STREET  
# 1700  
SAN FRANCISCO CA 94105

**COPY MAILED**

MAR 24 2008

**OFFICE OF PETITIONS**

In re Application of	:	
Qingwen Liu, Genyuan Wang, and	:	
Hang Jin	:	
Application No. 11/936,774	:	DECISION ON PETITION
Filed: November 7, 2007	:	PURSUANT TO
Attorney Docket Number: 52506-	:	37 C.F.R. § 1.47(A)
00198	:	
Title: METHOD FOR DYNAMIC	:	
UPLINK SOUNDING REGION	:	
ALLOCATION	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a)<sup>1</sup>, filed February 6, 2008.

<sup>1</sup> A grantable petition under 37 C.F.R. § 1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130, if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that either:
  - a) a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application, or
  - b) the non-signing inventor cannot be found or reached after diligent effort, and a statement that these efforts were not successful, and;
- (5) a declaration which complies with 37 C.F.R. § 1.63.

This petition pursuant to Rule § 1.47(a) is **DISMISSED**.

On November 7, 2007, the application was filed, identifying Qingwen Liu, Genyuan Wang, and Hang Jin as joint inventors. The application was deposited without an executed declaration. On December 11, 2007, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. This Notice set a two-month period for reply.

With this petition, Petitioner has included a declaration that has been signed by each of the inventors save Mr. Liu and the fee that is associated with the late submission of the same, the last known address of the non-signing inventor, the petition fee<sup>2</sup>, a statement of facts, and a copy of a letter.

It is noted that Petitioner has not specified whether the non-signing inventor has refused to join in the application or whether he cannot be found or reached. However, it is further noted that a letter was sent to this individual, and Petitioner has set forth "diligent efforts were taken to gain the signature of inventor Qingwen Liu..." As such, the Office is construing this to be an assertion that the non-signing inventor has refused to join in the application, and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

Petitioner has met requirements (1) - (3) and (5) of Rule 1.47(a). The fourth requirement has not been met.

Regarding the fourth requirement of Rule 1.47(a), it does not appear that a complete copy of the application was sent to the last-known address of the non-signing inventor. Where a refusal of the inventor to sign the application papers is alleged, the Office requires the petitioner to establish that a bona fide attempt was made to mail a complete copy of the application, which entails the specification, claims, drawings, and oath or declaration<sup>3</sup>.

Petitioner has set forth that a letter was sent to the non-signing inventor, but it does not appear that a complete copy of

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<sup>2</sup> The petition fee has been charged to Petitioner's Deposit Account, as authorized in the petition.

<sup>3</sup> See M.P.E.P. § 409.03(d).

the application was included therewith<sup>4</sup>. As such, the fourth requirement has not been met.

Before filing the renewed petition, Petitioner should mail a complete copy of the application to the non-signing inventor, and provide him with a reasonable period of time to respond. Petitioner should note that any statement that pertains to the presentation should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

It follows that since it has not been shown that a complete copy of the application was sent to the non-signing inventor, one cannot refuse to sign something which one has not seen. 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. It is reasonable to require that the inventor be presented with the application papers before a petition under Rule 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<sup>5</sup>.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C. § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail<sup>6</sup>, hand-delivery<sup>7</sup>, or facsimile<sup>8</sup>. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web<sup>9</sup>.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else

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4 See Wiggins declaration of facts and the copy of the letter dated November 28, 2007.

5 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

8 (571) 273-8300- please note this is a central facsimile number.

9 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>10</sup>.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>10</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



DENNIS DUPRAY  
1801 BELVEDERE DR.  
GOLDEN CO 80401

**COPY MAILED**

OCT 07 2008

**OFFICE OF PETITIONS**

In re Application of :  
Dennis J. Dupray :  
Application Number: 11/936781 : ON PETITION  
Filing Date: 11/07/2007 :  
Attorney Docket Number: 1400 :  
:

This is a decision on the petition, filed on September 8, 2008, styled as a petition under 37 CFR 1.137(a), which, in the absence of the proper petition fee, is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.<sup>1</sup>

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. **This time period is not extendable.**<sup>2</sup>

This application became abandoned on February 14, 2008, for failure to timely file a response to the Notice to File Missing Parts of Nonprovisional Application mailed on December 13, 2007, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on August 22, 2008.

Petitioner asserts unavoidable delay in that the Notice to File Missing Parts of Nonprovisional Application mailed on December 13, 2007 was never received.

Petitioner states, in pertinent part:

Prior to receiving the Notice of Abandonment, Applicant assumed that the present application was proceeding properly at the USPTO, and has no knowledge of ever

<sup>1</sup> In the absence of the petition fee, which is required by law, the PTO can only treat the instant petition as a (feeless 1.181) petition to withdraw the holding of abandonment. See Krahn v. Comm'r, 15 USPQ2d 1823, 1825 (E.D. Va. 1990).

<sup>2</sup> 37 CFR 1.181(f).

receiving the Notice of Missing Parts. Accordingly, it is believed that the Notice of Missing Parts must have been lost in the mail. Note, the Applicant filed the application without the services of a law firm, and accordingly Applicant's personal address is the correspondence address. Thus, since Applicant does not have access to docketing services for docketing all mail received at his personal residence, Applicant cannot give evidence of not receiving the Notice of Missing Parts, such as a listing of all the Applicant's personal mail received during the time period that the Notice of Missing Parts should have been received.

As stated above, in the absence of the petition fee, which is required by law, the PTO can only treat the instant petition as a (feeless 1.181) petition to withdraw the holding of abandonment.<sup>3</sup>

A review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Nonprovisional Application mailed on December 13, 2007, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice to File Missing Parts of Nonprovisional Application was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice to File Missing Parts of Nonprovisional Application was not in fact received.

MPEP 711.03(c) states:

In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

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<sup>3</sup> See Krahn v. Comm'r, 15 USPQ2d 1823, 1825 (E.D. Va. 1990).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

(emphasis added) '

The showing of record is insufficient to warrant withdrawal of the holding of abandonment. In the absence of a showing that the Notice to File Missing Parts was not received, the petition to withdraw the holding of abandonment must be dismissed.

With regards to petitioner's apparent contention that he does not have a docketing system because he is prosecuting the application *pro se*, petitioner chose to prosecute the application *pro se*, and petitioner was not forced, but rather made a conscious decision to prosecute the application *pro se*, and therefore must be held accountable for his actions, or lack thereof, before the Office. There are numerous resources available to petitioner, as to the others who have chosen this path of prosecution, to obtain the necessary information to establish a system for docketing and tracking correspondence received from the U.S. Patent and Trademark Office.

As the showing of record does not merit withdrawal of the holding of abandonment, the petition will be dismissed.

#### **ALTERNATIVE VENUE**

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),<sup>4</sup> which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly.

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<sup>4</sup> Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee;

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

Petitioner should note that effective October 2, 2008, the fee for filing a petition under 37 CFR 1.137(b) (small entity) is \$810.00.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
                    Commissioner for Patents  
                    P.O. Box 1450  
                    Alexandria, VA 22313-1450

By FAX:           (571) 273-8300  
                    Attn: Office of Petitions

By hand:           Customer Service Window  
                    Mail Stop Petition  
                    401 Dulany Street  
                    Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

Encl:           PTO/SB/64  
                    Privacy Act Statement

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.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional)
First named inventor:	
Application No.:	Art Unit:
Filed:	Examiner:
Title:	
<p>Attention: Office of Petitions  <b>Mail Stop Petition</b>          Commissioner for Patents          P.O. Box 1450          Alexandria, VA 22313-1450          FAX (571) 273-8300</p>	
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p>	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.</p>	
<p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p>	
<p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol>	
<p>1. Petition fee</p> <p><input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p>	
<p><input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(m))</p>	
<p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):</p>	
<p><input type="checkbox"/> has been filed previously on _____.</p> <p><input type="checkbox"/> is enclosed herewith.</p>	
<p>B. The issue fee and publication fee (if applicable) of \$ _____.</p> <p><input type="checkbox"/> has been paid previously on _____.</p> <p><input type="checkbox"/> is enclosed herewith.</p>	

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**3. Terminal disclaimer with disclaimer fee** Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Typed or printed name\_\_\_\_\_  
Registration Number, if applicable\_\_\_\_\_  
Address\_\_\_\_\_  
Telephone Number\_\_\_\_\_  
AddressEnclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: \_\_\_\_\_**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

 Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.\_\_\_\_\_  
Date\_\_\_\_\_  
Signature\_\_\_\_\_  
Typed or printed name of person signing certificate

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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D1W Oct-08

DENNIS DUPRAY  
1801 BELVEDERE DR.  
GOLDEN CO 80401

**COPY MAILED**

OCT 22 2008

**OFFICE OF PETITIONS**

In re Application of :  
Dennis J. Dupray :  
Application Number: 11/936781 :  
Filing Date: 11/07/2007 : ON PETITION  
Attorney Docket Number: 1400 :

This is a decision on the petition under 37 CFR 1.137(b)<sup>1</sup> filed on October 12, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on February 14, 2008, for failure to timely response to the Notice to File Missing Parts of Nonprovisional Application mailed on December 13, 2007, which set a two (2) month shorted period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on August 22, 2008. The petition to withdraw the holding of abandonment filed on September 8, 2008, was dismissed on October 7, 2008.

<sup>1</sup> Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Receipt of the reply filed on September 8, 2008, is acknowledged.

The application is referred to Technology Center Art Unit 3692 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MALCOLM ARMSTRONG  
25 VANIER DR.  
BROCKVILLE ON K6V-3J6  
CA CANADA

**MAILED**

MAR 04 2009

OFFICE OF PETITIONS

In re Application of :  
Malcolm Clare Charles Armstrong :  
Application No. 11/936,789 : DECISION ON PETITION  
Filed: November 8, 2007 :  
Title: Quick Time Drying Apparatus and Method :  
For Clothes Dryers :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 12, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 13, 2008. A Notice of Abandonment was mailed August 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$65.00 surcharge fee, the Search fee of \$255.00, and the Examination fee of \$105.00, (2) the petition fee of \$770.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition:

/Liana Walsh/  
Liana Walsh  
Petitioner Examiner  
Office of Petitions



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DINSMORE & SHOHL, LLP  
FIFTH THIRD CENTER  
ONE SOUTH MAIN STREET  
SUITE 1300  
DAYTON, OH 45402

Mail Date: 04/21/2010

**Applicant** : Steven N. Roe : DECISION ON REQUEST FOR  
**Patent Number** : 7592740 : RECALCULATION OF PATENT  
**Issue Date** : 09/22/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/936,813 : 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 **89** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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TEXAS INSTRUMENTS INCORPORATED  
P O BOX 655474, M/S 3999  
DALLAS, TX 75265

Mail Date: 04/30/2010

Applicant : Lee D. Whetsel : DECISION ON REQUEST FOR  
Patent Number : 7610536 : RECALCULATION of PATENT  
Issue Date : 10/27/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/936,884 : OF WYETH  
Filed : 11/08/2007 :  
:  
:

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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**STOEL RIVES LLP – PDX**  
**900 SW FIFTH AVENUE**  
**SUITE 2600**  
**PORTLAND, OR 97204-1268**

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**APR 27 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Jarmo Llmari MAULA, et al :  
Application No. 11/936,929 : **DECISION ON PETITION**  
Filed: November 8, 2007 :  
Docket No. 11429/20:2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 19, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 20, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620; and (3) an adequate statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

37 CFR 1.137(b)(3) requires a statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.” Since the statement appearing in the petition varies from the language required

by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1110 extension of time fee submitted with the petition on March 26, 2009, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 50-2375

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 1792 for appropriate action by the Examiner in the normal course of business on the reply received March 26, 2009.



Thurman Page  
Petitions Examiner  
Office of Petitions

cc: JOHN R. THOMPSON  
STOEL RIVES LLP  
201 SOUTH MAIN STREET,  
SUITE 1100  
SALT LAKE CITY, UT 84111



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/936,932 11/08/2007 Takashi Ito 90606.253/ta 1744

7590 03/12/2009
YAMAHA HATSUDOKI KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

EXAMINER

ART UNIT PAPER NUMBER

1795

NOTIFICATION DATE DELIVERY MODE

03/12/2009

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer
Patent Publication Branch
Office of Data Management

Refund Ref: 03/13/2009

0030067659

Adjustment date: 03/13/2009 NFARMER
11/08/2007 INTEFSW 00006723 11936932
02 FC:1111 -510.00 0P

Credit Card Refund Total: \$510.00

Am Exp.: XXXXXXXXXXXX5000



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Paper No.

THE WEBB LAW FIRM, P.C.  
700 KOPPERS BUILDING  
436 SEVENTH AVENUE  
PITTSBURGH PA 15219

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**OCT 24 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Brad Noll, William Orr and : DECISION ACCORDING STATUS  
Frank Kock : UNDER 37 C.F.R. § 1.47(a)  
Application No. 11/937,059 :  
Filed: November 8, 2007 :  
Atty Docket No. 1940-073933 :

This is a decision on the "PETITION IN SUPPORT OF FILING ON BEHALF OF NON-SIGNING INVENTOR (37 CFR §1.47)" filed May 9, 2008.

The petition is **GRANTED**.

The above-identified application was filed on November 8, 2007, with an application data sheet but without an executed oath or declaration. Accordingly, on December 11, 2007, the Office mailed a "Notice to File Missing Parts of Application," requiring an executed oath or declaration and the surcharge for its late filing.

On May 9, 2008, applicants filed the instant petition and late surcharge. This response was made timely by an accompanying petition and fee for extension of time within the third month. The petition includes a declaration executed by joint inventors Brad Noll and William Orr on behalf of themselves and on behalf of non-signing inventor Frank Kock. Applicants assert that status under 1.47(a) is proper because joint inventor Kock has refused to execute the requisite declaration.

The petition, including a statement by attorney Reznick, including documentary evidence, of the facts relied on to conclude that inventor Kock refuses to join in the application. The showing is sufficient that inventor Kock was presented with

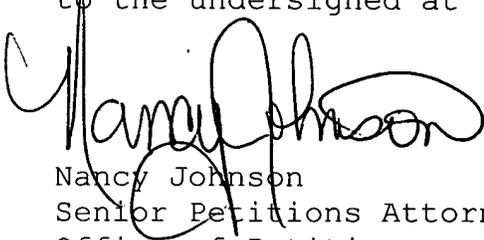
all of the application papers. By his conduct in not responding, inventor Kock has refused to join in the application.

The declaration filed May 9, 2008, has been reviewed and found in compliance with § 1.47. The petition includes payment of the petition fee of \$200. The petition includes a statement of inventor Kock's last known address.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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FRANK KOCK  
9545 Lakeview Drive  
Atascadero, CA 93422

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OCT 24 2008

**OFFICE OF PETITIONS**

In re Application of :  
Brad Noll, William Orr and :  
Frank Kock : LETTER  
Application No. 11/937,059 :  
Filed: November 8, 2007 :  
Atty Docket No. 1940-073933 :

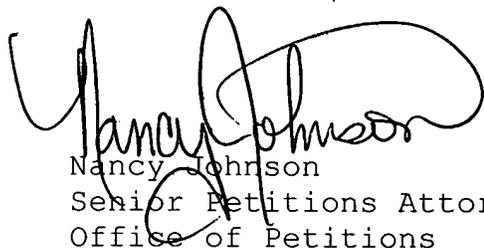
Dear Mr. Kock:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

PAUL REZNICK  
THE WEBB LAW FIRM, P.C.  
700 KOPPERS BUILDING  
436 SEVENTH AVENUE  
PITTSBURGH PA 15219



**MAILED**

**JUN 15 2010**

**OFFICE OF PETITIONS**

**THE PROCTER & GAMBLE COMPANY**  
**Global Legal Department - IP**  
**Sycamore Building - 4th Floor**  
**299 East Sixth Street**  
**CINCINNATI OH 45202**

In re Application of :  
Jeromy Thomas Raycheck et al. :  
Application No. 11/937,060 :  
Filed: November 8, 2007 :  
Attorney Docket No. 10629M :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.182, filed March 19, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Jeromy Thomas Raycheck
2. Mark James Kline
3. Urmish Popatal Dalal

Our records have been updated and a corrected Filing Receipt, which sets forth the changes as requested. A copy will be attached to this decision.

This application is being forwarded to the Technology Center for further processing.

Telephone inquiries regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

A handwritten signature in black ink, appearing to read 'Carl Friedman', with a long horizontal line extending to the right.

Carl Friedman  
Petitions Examiner  
Office of Petitions

Attachment: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/937,060, 11/08/2007, 1791, 1160, 10629M, 20, 2

CONFIRMATION NO. 1977

CORRECTED FILING RECEIPT



OC000000042049281

27752
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Date Mailed: 06/11/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Jeromy Thomas Raycheck, Lebanon, OH;
Mark James Kline, Okeana, OH;
Urmish Popatal Dalal, Milford, OH;

Power of Attorney: The patent practitioners associated with Customer Number 27752

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/858,078 11/10/2006

Foreign Applications

If Required, Foreign Filing License Granted: 11/29/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/937,060

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

System And Method For Rotary Forging

**Preliminary Class**

264

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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1900 K STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20006-1109

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SEP 29 2009

**OFFICE OF PETITIONS**

In re Application of	:	
John R. Mandiardi	:	DECISION ON PETITION
Application No. 11/937,102	:	TO WITHDRAW
Filed: November 8, 2007	:	FROM RECORD
Attorney Docket No. 6832.000021	:	

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 1, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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).

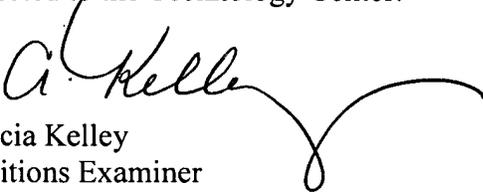
The request was signed by Estelle J. Tsevdos, on behalf of all practitioners of record who are associated with Customer Number 58785.

All attorneys/agents associated with the Customer Number 58785 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Final Office action mailed April 10, 2009, that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "A. Kelley", with a large, sweeping flourish extending to the right.

Alicia Kelley  
Petitions Examiner  
Office of Petitions

cc: JOHN R. MANGIARDI, MD  
54 DOUBLING ROAD  
GREENWHICH, CT 06830



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/937,102	11/08/2007	John R. Mangiardi	

**CONFIRMATION NO. 1053**

**POWER OF ATTORNEY NOTICE**



\*OC000000038018292\*

58785  
HUNTON & WILLIAMS/NEW YORK  
INTELLECTUAL PROPERTY DEPT.  
1900 K STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20006-1109

Date Mailed: 09/28/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/01/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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www.uspto.gov

**MAIL**

**JUN 14 2010**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA VA 22314

In re Application of :  
OKADA, HIROKI :  
Application No. 11/937,130 :  
Filed: November 8, 2007 :  
Attorney Docket No. 318142US26 :  
: 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 April 23, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

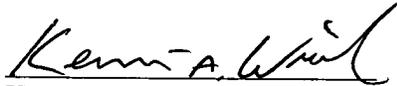
- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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.

A handwritten signature in cursive script that reads "Kenneth A. Wieder".

Kenneth Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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1900 K STREET, N.W.  
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**OCT 21 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
John R. Mangiardi, et al.	:	
Application No. 11/937,136	:	DECISION ON PETITION
Filed: November 8, 2007	:	TO WITHDRAW
Attorney Docket No. 68320.000020	:	FROM RECORD
	:	

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 2, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Estelle J. on behalf of all attorneys of record who are associated with customer No. 58785. All attorneys/agents associated with the Customer Number 58785 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor John R. Mangiardi, MD at the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: JOHN R. MANGIARDI, MD  
54 DOUBLING ROAD  
GREENWICH, CT 06830



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/937,136	11/08/2007	JOHN R. MANGIARDI	68320.000020

**CONFIRMATION NO. 1123**

**POWER OF ATTORNEY NOTICE**



58785  
HUNTON & WILLIAMS/NEW YORK  
INTELLECTUAL PROPERTY DEPT.  
1900 K STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20006-1109

Date Mailed: 10/13/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/02/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**LAW OFFICES OF JERRY A. SCHULMAN**  
**18376 SUMMIT AVENUE**  
**COURT C**  
**OAKBROOK TERRACE IL 60181**

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**DEC 24 2008**

In re Application of :  
Takayuki Akahoshi :  
Application No. 11/937,145 : **ON PETITION**  
Filed: November 8, 2007 :  
Attorney Docket No. 10007-2-127 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 12, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts Of Nonprovisional Application mailed December 10, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s)(1).

No authorization was provided to charge the remaining balance of \$27.00 for the filing fee to an account number. A copy of the Notice of Fee Due is attached for your convenience.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
                              Commissioner for Patents  
                              P. O. Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   U. S. Patent and Trademark Office  
                              Customer Service Window, Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.



Karen Creasy  
Petitions Examiner  
Office of Petitions

Notice of Fee Due

Date: 11/13/08

Application Number: 11/937,145

A fee is due for the attached document for the reason indicated below. Please check the application for the appropriate authorization to charge a deposit account. If an authorization is present, please charge the appropriate fee\*. If an authorization is not present, notify the application of the fee deficiency.

\*If the fee due is for any of the filing fees, check for authorization to charge the surcharge. If authorization is present, charge the surcharge for late payment of the filing fees as well.

- Insufficient payment by check or money order.
- Insufficient funds in deposit account \_\_\_\_\_ at \_\_\_\_\_ (time).
- Insufficient payment by credit card.
- Declined credit card.
- No authorization to charge a deposit account.

Fee code(s) to be applied: 2311 \$110.00

Amount in holding fee code:

<u>1506</u>	<u>                    </u>
<u>1622/2622</u>	<u>\$83.00</u>
<u>1999</u>	<u>                    </u>

Total remaining due from applicant: \$27.00

RAM Operator Mason



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**1S376 SUMMIT AVENUE**  
**COURT C**  
**OAKBROOK TERRACE IL 60181**

**MAILED**

**JAN 29 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Takayuki Akahoshi :  
Application No.11/937,145 : **DECISION ON PETITION**  
Filed: November 8, 2007 :  
Attorney Docket No. 10007-2-127 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees and declaration; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed December 10, 2007, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Karen Creasy  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/937,153	11/08/2007	Kazuhiro Gono	107747-61394	1154

26345 7590 07/09/2010  
GIBBONS P.C.  
ONE GATEWAY CENTER  
NEWARK, NJ 07102

EXAMINER

BELLA, MATTHEW C

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
07/09/2010	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):

IPDocket@gibbonslaw.com



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

GIBBONS P.C.  
ONE GATEWAY CENTER  
NEWARK NJ 07102

Applicant: Gono et al.  
Appl. No.: 11/937,153  
Filing Date: November 8, 2007  
Title: METHOD AND SYSTEM FOR CORRELATING IMAGE AND TISSUE  
CHARACTERISTIC DATA  
Attorney Docket No.: 107747-61394  
Pub. No.: US 2009/0123043 A1  
Pub. Date: May 14, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on July 2, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission.** The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is 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](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  
Office of Data Management  
United States Patent & Trademark Office

Adjustment date: 07/09/2010 KKING1  
07/02/2010 INTEFSW 00011397 033839 11937153  
01 FC:1504 300.00 CR



**CONNOLLY BOVE LODGE & HUTZ, LLP**  
**1007 NORTH ORANGE STREET**  
**P. O. BOX 2207**  
**WILMINGTON, DE 19899**

**COPY MAILED**

**DEC 22 2009**

**OFFICE OF PETITIONS**

In re Application of :  
**MILLER, Steven A. et al.** :  
Application No. 11/937,164 :  
Filed: November 08, 2007 :  
Attorney Docket No. **HCS-001** :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 26, 2009.

The request is moot because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to CONNOLLY BOVE LODGE & HUTZ, LLP has been revoked by the assignee of the patent application on December 03, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Petitions Examiner  
Office of Petitions

cc: **GOODWIN PROCTER LLP**  
**PATENT ADMINISTRATOR**  
**53 STATE STREET**  
**EXCHANGE PLACE**  
**BOSTON, MA 02109-2881**



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DW Jan-08

PAUL J WHITE, SENIOR COUNSEL  
NATIONAL RENEWABLE ENERGY LABORATORY (NREL)  
1617 COLE BOULEVARD  
GOLDEN CO 80401-3393

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**JAN 08 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Tangler and Somers : DECISION REFUSING STATUS  
Application Number: 11/937183 : UNDER 37 CFR 1.47(a)  
Filing Date: 11/08/2007 :  
Attorney Docket Number: NREL :  
01-40 :

This is in response to the petition under 37 CFR 1.47(a) filed on November 8, 2007.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on November 8, 2007, with a declaration pursuant to 37 CFR 1.63 naming James L. Tangler and Dan L. Somers as joint inventors, signed by joint inventor Tangler on behalf of himself and non-signing joint inventor Somers. The present petition under 37 CFR 1.47(a) was also filed with the application papers.

Petitioners assert that a draft copy of the application was sent to the non-signing inventor, but that he sent back an E-mail message stating he would not review the application and sign the declaration. Petitioners state that a further E-mail message was sent to the non-signing inventor requesting he review the draft application and sign the declaration, but that he sent back

another E-mail refusal. Additionally, the non-signing inventor orally refused to sign the declaration during a telephone call with an employee of the assignee.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1).

In regards to item (1), petitioners have not provided sufficient proof that the inventor was sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).<sup>1</sup>

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor(s) for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Additionally, it is noted that petitioners state that a "draft" of the application was sent to the non-signing inventor. Petitioners should verify, in the renewed petition, that the copy of the application sent to the non-signing inventor was, in fact, the application as filed.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor(s) refuse(s) in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made

---

<sup>1</sup> MPEP 409.03(d).

orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

Petitioners should provide a copy of the E-mail correspondence in which the inventor refused to sign the declaration. Additionally, petitioners should provide a statement of facts or a declaration by Brenda E. Brantley, Senior Patent Administrator for the Assignee, to whom petitioners state the non-signing inventor made the telephonic oral refusal to sign.

Although the petition states that the petition fee is enclosed, no petition fee payment was made with the petition. As the Electronic Acknowledgement Receipt filed on November 8, 2007, contains an authorization to charge any additional fees to counsel's deposit account, the petition fee of \$200.00 will be charged thereto in accordance therewith.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By FAX:           (571) 273-8300  
                  Attn: Office of Petitions

By hand:          Customer Service Window  
                  Mail Stop Petition  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

  
Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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PAUL J WHITE, SENIOR COUNSEL  
NATIONAL RENEWABLE ENERGY LABORATORY (NREL)  
1617 COLE BOULEVARD  
GOLDEN CO 80401-3393

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**MAR 12 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Tangler and Somers : DECISION ACCORDING STATUS  
Application Number: 11/937183 : UNDER 37 CFR 1.47(a)  
Filing Date: 11/08/2007 :  
Attorney Docket Number: NREL :  
01-40 :

This is in response to the renewed petition under 37 CFR 1.47(a) filed on February 15, 2008.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Dan M. Somers, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioners have shown that a copy of the application was sent to the last known address of the non-signing inventor. Petitioners have also shown that the non-signing inventor signed the certified mail receipt dated "1-31", acknowledging receipt of application. The non-signing inventor failed, however, to sign and return the declaration naming him as a joint inventor along with James L. Tangler.

As such, the showing of record is that the non-signing inventor has constructively refused to join in the filing of the application.<sup>1</sup>

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

<sup>1</sup> Given that the petition was filed over two (2) weeks after the receipt of the application papers by the non-signing inventor, it is deemed that the non-signing inventor was given sufficient time to review the application and return the signed declaration.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being referred to Technology Center Art Unit 3745 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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United States Patent and Trademark Office  
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01W Mar-08

Dan L. Somers  
122 Rose Drive  
Port Matilda PA 16870-9483

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**MAR 12 2008**

**OFFICE OF PETITIONS**

In re Application of  
Tangler et al.  
Application No. 11/937,183  
Filed: 11/08/2007  
For: QUIET AIRFOILS FOR SMALL AND LARGE WIND TURBINES

Dear Mr. Somers:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

PAUL J. WHITE, SENIOR COUNSEL  
NATIONAL RENEWABLE ENERGY LABORATORY (NREL)  
1617 COLE BLVD.  
GOLDEN CO 80401-3393



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INTELLECTUAL PROPERTY DEPT.  
1900 K STREET, N.W.  
SUITE 1200  
WASHINGTON DC 20006-1109

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SEP 21 2009

**OFFICE OF PETITIONS**

In re Application of :

**MANGIARDI, John R.** :

Application No. 11/937,188 :

Filed: November 08, 2007 :

Attorney Docket No. 68320.000019 :

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 02, 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 Estelle Tsevdos on behalf of all attorneys of record who are associated with customer No. 58785. All attorneys/agents associated with the Customer Number 58785 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor John Mangiardi 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: **JOHN R. MANGIARD, MD**  
**54 DOUBLING ROAD**  
**GREENWICH CT 06830**



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MURATA MANUFACTURING COMPANY, LTD.  
C/O KEATING & BENNETT, LLP  
1800 Alexander Bell Drive  
SUITE 200  
Reston, VA 20191

Mail Date: 04/20/2010

<b>Applicant</b>	: Koji HAYASHI	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7626167	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/937,218	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 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.



WOOD, HERRON & EVANS, LLP  
2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI OH 45202

**MAILED**

JUN 24 2010

OFFICE OF PETITIONS

In re Application of :  
Bengry et al. :  
Application No.: 11/937238 :  
Filing or 371(c) Date: 11/08/2007 :  
Attorney Docket Number: RBI-180B :

DECISION ON  
PETITION

This is a decision in response to the petition to withdraw holding of abandonment based on failure to receive Office action, filed March 25, 2010. The petition is properly treated under 37 CFR 1.181.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, and Notice of Allowability, both mailed November 16, 2009. The Notice set a nonextendable three (3) month period for reply. No reply having been received, the application became abandoned on February 17, 2010. A Notice of Abandonment was mailed March 2, 2010.

Applicant files the present petition and statement from the practitioner that the Notice of Allowance and Issue Fee Due was not received, and that a search of the file jacket for this application and docket records indicates that the Notice of Allowance was not received. Applicant provides a copy of he data sheet from the cover of the file wrapper for the present application.

**Applicable Law, Rules and MPEP**

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in

support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

#### Analysis/conclusion

Regrettably, the petition is not grantable at this time. The Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. In addition, a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence

such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. (Emphasis supplied).

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of docket records and file jacket.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                    Director for Patents  
                                 PO Box 1450  
                                 Alexandria, VA 22313-1450

By FAX:                    (571) 273-8300  
                                 Attn: Office of Petitions

By hand:                   Customer Service Window  
                                 Randolph Building  
                                 401 Dulany Street  
                                 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/937,243	11/08/2007	Yasunao Katayama	JP920070055US1	1368

48915 7590 11/28/2007  
CANTOR COLBURN LLP-IBM YORKTOWN  
55 GRIFFIN ROAD SOUTH  
BLOOMFIELD, CT 06002

EXAMINER

BARRON JR, GILBERTO

ART UNIT PAPER NUMBER

2132

MAIL DATE DELIVERY MODE

11/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



Blake Dorr  
Cantor Colburn LLP-IBM Yorktown  
55 Griffin Road South  
Bloomfield CT 06002

In re Application of:  
Yasunao Katayama et al.  
Serial No.: 11/937,243  
Filed: November 8, 2007  
Docket: JP920070055US1  
For: **Method and System Involving  
Checking Memory Integrity**

DECISION ON PETITION TO MAKE  
SPECIAL FOR NEW APPLICATION  
UNDER 37 C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on November 8, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

#### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions I 1-4, II 1-4 and II 5.1, 5.3, II 6.1, and 6.4-6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2 and II 6.2-6.3 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I)(H)<sup>1</sup> and items II.5.2 above, the preexamination search does not encompass all of the features of the claims, and does not appear to have given the claims the broadest reasonable interpretation.

Specifically, the text search strategy fails to include the concepts of using encryption, random numbers or keys in monitoring of memory integrity of claim 1. Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary.

Finally, based upon the claimed subject matter of the instant application, a search in the following class and subclasses is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: Class 711 (Electrical Computers and Digital processing Systems: Memory) subclass 216 (address formation using hashing), and Class 713 (Electrical Computers and Digital Processing: Support, subclasses 187 (Program Modification Detection by Cryptography), and 189, 190, 193 and 194 (Data Processing Protection Using Cryptography) for subject matter related to memory integrity techniques involving cryptography. This additional search area was confirmed with an examiner in the pertinent art area. The Pre examination Support Document identifies that class 712 subclasses 189, 193 and 194 were searched. As these subclasses do not exist perhaps this is a typo and these identified subclasses were searched in class 713. Please explain what areas were actually searched.

With regard to the requirement of MPEP § 708.02(a)(I)(2-3) and items 6.2-6.3 above, Petitioners identification of limitations of the claims is improper as not all claim limitations have been discussed and the language used to discuss patentability isn't detailed enough. Petitioner must provide a detailed discussion of each of the identified references, identifying subject matter by way of figure, page, column and line numbers, as appropriate, as they pertain to ALL of the claim limitations of the instant application. The support document must provide a **detailed discussion** of how the formulas used for determining the first and second register values of the instant claims are similar, where they are different and how are they non obvious over the formulas used for determining of the first and second register values of the Okazaki reference.

## DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

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<sup>1</sup> MPEP 8<sup>th</sup> ed. rev 5 August 2006

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612.



---

Tod R Swann  
Quality Assurance Specialist  
Technology Center 2100  
Computer Security, Architecture and Software  
571-272-3612



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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.
11/937,243	11/08/2007	Yasunao Katayama	JP920070055US1	1368
48915	7590	01/10/2008	EXAMINER	
CANTOR COLBURN LLP-IBM YORKTOWN			BARRON JR, GILBERTO	
20 Church Street			ART UNIT	PAPER NUMBER
22nd Floor			2132	
Hartford, CT 06103			MAIL DATE	DELIVERY MODE
			01/10/2008	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.



Blake Dorr  
Cantor Colburn LLP-IBM Yorktown  
20 Church Street  
22<sup>nd</sup> Floor  
Hartford, CT 06103

In re Application of: :  
Yasunao Katayama :  
Serial No.: 11/937,243 :  
Filed: November 8, 2007 :  
Docket: JP920070055US1 :  
Title: **Method and System Involving Checking Memory** :  
**Integrity** :

DECISION ON PETITION TO MAKE  
SPECIAL FOR NEW APPLICATION  
UNDER 37 C.F.R. § 1.102 & M.P.E.P.  
§ 708.02

This is a decision on the renewed petition filed on December 28, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on November 8, 2007 was dismissed in the decision mailed on November 128, 2007.

The petition to make the application special is GRANTED as the new Support Document the Pre-Examination Search Document meet the requirements of conditions II 5.2 and II 6.2-6.3.

The support document now provides a proper discussion of the each of the references cited as to how they pertain to all of the claims including what features are taught and where they are taught and how the claims distinguish from the cited reference. The new Examination Search Document fulfills the search requirements and is now proper.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323) as the original identified deficiencies for failing to comply with the requirements for the pre-examination search encompassing all of the features of the claims, and giving the claims the broadest reasonable interpretation, the statement of patentability must provide a detailed explanation of how each of the claims are patentable and the concise statement of the utility must be of the invention as defined in each of the independent claims (reference must be made to independent claims 1, 14 and 20) have been corrected.

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having been constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612.



---

Tod R Swann  
Quality Assurance Specialist  
Technology Center 2100  
Computer Security, Architecture and Software  
571-272-3612



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**MAY 09 2008**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH VA 22040-0747

In re Application of	:	
KIM, SANG-HOON	:	
Application No. 11/937,250	:	
Filed: November 8, 2007	:	
Attorney Docket No. 0630-3310PUS1	:	
	:	DECISION ON REQUEST TO
	:	PARTICIPATE IN PATENT
	:	PROSECUTION HIGHWAY
	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed May 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:

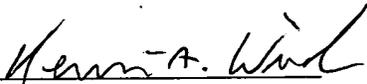
- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Kenneth Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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Vista IP Law Group, LLP  
2040 Main Street, 9<sup>th</sup> Floor  
Irvine, CA 92614

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**OFFICE OF PETITIONS**

In re Application of  
Kerry Bradley  
Application No. 11/937,316  
Filed: November 8, 2007  
Attorney Docket No. 05-00506-07

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 11, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Bryant R. Gold and Laura Haburay Bishop, does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

*Kimberly Inabinet*  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc:

Bryant R. Gold  
Laura Haburay Bishop  
Fish & Richardson  
225 Franklin Street  
Boston, MA 02110

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100415

**DATE** : April 15, 2010

**TO SPE OF** : ART UNIT 2839

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7,656,180

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

**Certificates of Correction Branch - ST (South Tower) 9A22**

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance**

\_\_\_\_\_  
**Certificates of Correction Branch**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriated box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

**Comments:**

The applicant is changing Ju-II Kang to Ju-IL Kang, which is acceptable. Also, dependency is being corrected.

/T C Patel/  
Supervisory Patent Examiner.Art Unit 2839

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: \_\_\_\_\_

DATE : 01/07/09

TO SPE OF : ART UNIT 3663

SUBJECT : Request for Certificate of Correction for Appl. No.: 11937412 Patent No.: 7633834

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)  
Randolph Square 9D40-D  
Palm Location 7580**

**You can fax the Directors/SPE response to 571-270-9990**

*Lamonte Newsome*

Certificates of Correction Branch

703-756-1574

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

/JACK W KEITH/ \_\_\_\_\_ 3663

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**SPE**

**Art Unit**



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**JUN 23 2008**

**DARBY & DARBY P.C.  
P.O. BOX 770  
CHURCH STREET STATION  
NEW YORK, NY 10008-0770**

In re Application of :

**AMBLER, Christopher J.** :

Application No. 11/937, 436 :

Filed: November 08, 2007 :

Attorney Docket No. **20909/0207380-US0** :

**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 01, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John W. Branch on behalf of all attorneys of record who are associated with customer No. 07278. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **CHRISTOPHER J. AMBER  
25625 NE 39<sup>TH</sup> WAY  
REDMOND, WA 98053**

cc: **GREENBERG TRAUIG, LLP (SV)  
IP DOCKETING  
2450 COLORADO AVENUE  
SUITE 400E  
SANTA MONICA, CA 90404**



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**OFFICE OF PETITIONS**

**TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834**

In re Application of :  
Lukhtanov et al. : **DECISION ON PETITION**  
Application No. 11/937,448 : **TO WITHDRAW**  
Filed: November 8, 2007 : **FROM RECORD**  
Attorney Docket No. ELI-0068C2 :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 2, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to practitioners associated with Townsend and Townsend and Crew, LLP was revoked by the assignee of the patent application on October 27, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

Alicia Kelley  
Petitions Examiner  
Office of Petitions

cc: JACKSON WALKER LLP  
901 MAIN STREET  
SUITE 6000  
DALLAS, TX 75202-3797



MORRISON & FOERSTER LLP  
755 PAGE MILL ROAD  
PALO ALTO, CA 94304-1018

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**DEC 02 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Jennie P Mather, et al. :  
Application No. 11/937,470 :  
Filed: November 8, 2007 :  
Attorney Docket No. 415072007400 :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 6, 2009.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (Form PTO/SB/83).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions



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PATTON BOGGS LLP  
1801 CALIFORNIA STREET  
SUITE 4900  
DENVER, CO 80202

Mail Date: 04/21/2010

**Applicant** : Jolanta Celinska : DECISION ON REQUEST FOR  
**Patent Number** : 7639523 : RECALCULATION of PATENT  
**Issue Date** : 12/29/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/937,480 : 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.



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**MARIO RABINOWITZ**  
**715 LAKEMEAD WAY**  
**REDWOOD CITY CA 94062**

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**JAN 14 2009**

In re Application of :

**RABINOWITZ, Mario** :

Application No. 11/937,504 :

Filed: November 09, 2007 :

Attorney Docket No. :

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 01, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Mario Rabinowitz, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

Tredelle D. Jackson  
Petitions Examiner  
Office of Petitions

CST

January 12, 2009

In re application of	:	DECISION ON REQUEST TO
Kazuyuki Kiuchi et al	:	PARTICIPATE IN PATENT
Serial No. 11/937,525	:	PROSECUTION HIGHWAY
Filed: November 9, 2007	:	PILOT PROGRAM AND
For: SELF-ROLLING LAMINATED SHEET	:	PETITION TO MAKE SPECIAL
AND SELF-ROLLING PRESSURE-	:	UNDER 37 CFR 1.102(d)
SENSITIVE ADHESIVE SHEET	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, together with the preliminary amendment filed October 21, 2008.

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 to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:  
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700



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4417 LANCASTER PIKE  
WILMINGTON DE 19805

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JUN 02 2010

OFFICE OF PETITIONS

In re Application of :  
Brothers, et al. :  
Application No. 11/937,541 :  
Filed: November 9, 2007 :  
Attorney Docket No. FL0329USNA :  
For: AQUEOUS POLYMERIZATION OF :  
FLUORINATED MONOMERS USING :  
POLYMERIZATION AGENT COMPRISING :  
FLUOROPOLYETHER ACID OR SALT :  
AND SILOXANE SURFACTANT :

ON PETITION

This is a decision on the petition, filed March 31, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the September 17, 2009 non-final Office action. No response being received and no proper extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on December 18, 2009. A Notice of Abandonment was mailed on April 1, 2010.

Applicants have submitted an amendment in reply to the September 17, 2009 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the September 17, 2009 non-final Office action, and the \$1,620.00 petition fee.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1,110.00 three month extension of time fee submitted with the petition on March 31, 2010 was submitted subsequent to the expiration of the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioners' deposit account.

After the mailing of this decision, the application will be returned to Technology Center AU 1796 for consideration of the amendment filed on March 31, 2010.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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BOEING MANAGEMENT COMPANY  
P.O. BOX 2515  
MAIL CODE 110-SD54  
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

**Applicant** : Derek E. Iverson : DECISION ON REQUEST FOR  
**Patent Number** : 7598900 : RECALCULATION of PATENT  
**Issue Date** : 10/06/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/937,545 : 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 **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.



NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203

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**OCT 01 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Matsumoto, et al. :  
Application No. 11/937,547 : DECISION  
Filed/Deposited: 9 November, 2007 :  
Attorney Docket No. 1114-283 :

This is a decision on the petition filed on 2 May, 2008, and properly considered under 37 C.F.R. §1.53, to obtain a filing date for the instant application.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.

The petition under 37 C.F.R. §1.53 is **GRANTED in part** and **DISMISSED in part**.

### BACKGROUND

The instant application was deposited on 9 November, 2007.

On 25 April, 2008, the Office of Patent Application Processing (OPAP) (formerly, the Office of Initial Patent Examination (OIPE)) mailed a Notice of Incomplete Nonprovisional Application (the Notice) and indicated therein that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. §113 (first sentence).

OIPE indicated that Petitioner might:

- contend via petition that the drawings were submitted (and evidence same with a copy of a date-stamped receipt card (see: MPEP §503)), or that drawings were not necessary for a filing date; or
- submit the drawings and accept the later date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 2 May, 2008, Petitioner filed the instant petition with, *inter alia*, 12 sheets of drawings described in the specification (but no preliminary amendment as required), and Petitioner states that the instant application claims priority to Japanese Patent Application No. 2006-304557 (filed on 9 November, 2006) and Japanese Patent Application No. 007-228357 (filed on 3 September, 2007), expressly incorporated herein by reference, and the drawings were therein on deposit thereof.

What Petitioner fails to state is that the instant application contains one or more method(s) claims.

As discussed below, the presence of one or more method claims is controlling.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### ANALYSIS

A search of the official file reveals that:

- the instant application was deposited on 9 November, 2007, without drawings, and the Office transmitted to Petitioner on 25 April, 2008, a Notice of Incomplete Nonprovisional Application;
- Petitioner does not contest that drawings were not deposited with the instant application, and does not provide any other evidence of receipt of such drawings by the Office

Nonetheless, it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for the understanding of the invention under 35 U.S.C. §113 (first sentence) (see : MPEP §601.01, and specifically MPEP §601.01(f)(A)). As stated in MPEP §601.01(g) under the section entitled,

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

“Application Entitled to a Filing Date,” applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 C.F.R. §1.57(a):

[i]f an application was filed on or after September 21, 2004, and contains a claim under 37 C.F.R. §1.55 for priority of a prior-filed foreign application, or a claim under 37 C.F.R. §1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

A review of the application as deposited by Petitioner reveals that the application contains at least one method claim (e.g., Claim 1).

Thus, the argument of the petition, though obviously not so stated, is construed for the purposes of this decision to mean that drawings are not necessary for a filing date in this application.

**In the absence of entry by the Examiner of an amendment, drawing(s) will not be further considered as a part of this application.**

Entry of the amendment—if and when submitted—will be determined by the Examiner.

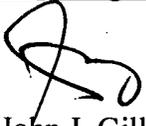
In view of the foregoing, the Notice mailed on 25 April, 2008, hereby is withdrawn to the extent that it indicates no filing date will be granted.

### CONCLUSION

The petition under 37 C.F.R. §1.53 is **granted in part** to the extent that the application will be accorded the filing date of 9 November, 2007, without the drawings as part of the original disclosure of the application; in all other respects the petition **is dismissed**. The Petition fee is waived and appears not to have been charged—should Petitioner later find that the petition fee was charged, Petitioner should request a refund from the Office of Finance and enclose therewith a copy of this decision.

This application is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) to be processed for correction of the filing date to 9 November, 2007, with the 107 pages of specification (description, claims, abstract) deposited on 9 November, 2007, and **no** drawings as the original disclosure.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).



/ John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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SUTHERLAND ASBILL & BRENNAN LLP  
999 PEACHTREE STREET, N.E.  
ATLANTA, GA 30309

Mail Date: 04/21/2010

<b>Applicant</b>	: Guy A. Primiano	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7586274	: RECALCULATION of PATENT
<b>Issue Date</b>	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
<b>Appliction No</b>	: 11/937,551	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 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 **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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DW Feb-09

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P.O. BOX 220746  
CHANTILLY VA 20153-0746

MAILED

FEB 24 2009

In re Application of : OFFICE OF PETITIONS  
Li et al. :  
Application Number: 11/937581 : ON PETITION  
Filing Date: 11/09/2007 :  
Attorney Docket Number: :  
06352YET-US :

This is a decision in reference to the letter filed on January 28, 2009, which is treated as a petition requesting that the above-identified application be accorded a filing date of November 9, 2007, with one (1) sheet of drawings containing Figure 11 as a part of the original disclosure.

The petition is **dismissed**.

The application was filed on November 9, 2007.

Accordingly, on November 28, 2008, the Office of Patent Application Processing mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of November 9, 2007, but that Figure 11 described in the specification appeared to have been omitted. been omitted.

In response, on January 28, 2009, the subject petition was filed. Petitioners assert that Figure 11 was in fact filed on November 9, 2007. Specifically, petitioners' counsel asserts that 10 sheets of drawings were filed by the USPTO's Electronic Filing System (EFS-Web) on November 9, 2007, and that the error was the result of the USPTO.

Petitioners state, in pertinent part:

Applicants contend that the omitted item of Figure 11 described in the specification was in fact deposited in USPTO with the nonprovisional application papers. Please find attached original electronic acknowledgement receipt (Evidence I, 3 page) which was

received on Nov. 9, 2007 right after the above-identified application was filed; it shows at bottom of the second page that the submitted drawing part of the uploaded file are from pages 14 to 23. That is, the submitted drawings should be 10 pages (Figures 1 to 11 as Evidence II). However, according to the attached Evidence III, there were only 9 pages (Figures 1 to 10) recorded. It means one page of the Figure 11 was missingly recorded by EFS-Web. It should be originally submitted 10 pages of drawings; otherwise, if there were only 9 pages of drawings submitted, it was impossible to complete the filing and produce the receipt shown the drawings from pages 14 to 23, including 10 pages.

On the other hand, if it is true that the omitted Figure 11 was caused by the Applicants. There is no reason PTO found it after this application was filed after over one year.

Petitioners' argument has been carefully considered, but is not persuasive. In accordance with MPEP 103, the U.S. Patent and Trademark Office (Office) Image File Wrapper (IFW) is the official record of the papers originally filed in this application. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

A review of the record reveals that nine (9) sheets of drawings containing Figures 1-10 are located in the application file. No one (1) sheet of drawings containing Figure 11, however, is located among the application papers deposited on November 9, 2007.

The EFS-Web Legal Framework sets forth the Office policy and procedure for filing applications via the EFS-Web system. The EFS-Web Legal Framework states, in pertinent part, that the Acknowledgement Receipt establishes the date of receipt by the USPTO of the electronic documents itemized in the receipt, and is thus an equivalent of a return postcard used in the paper process. Under EFS-Web, the Acknowledgement Receipt will contain a full listing of the documents submitted to the USPTO as described by applicant or a reexamination party (patent owner or reexamination requester) during the submission process, including the count of pages and/or byte sizes for each document. Thus, the Acknowledgement Receipt is the electronic equivalent of the post card receipt described in MPEP 503. See Item VIII.

Acknowledgement Receipt Policy,  
<http://www.uspto.gov/ebc/portal/efs/legalframework.pdf>.

It is noted that the Acknowledgement Receipt generated on November 9, 2007, states that nine (9) sheets of drawings were received. As nine (9) sheets of drawings are located in the file, and no Figure 11 is located within those nine (9) sheets of drawings, the showing of record is that no sheet of drawings containing Figure 11 was filed on November 9, 2007.

In this regard, applicant, not the Office, is ultimately responsible for the proper and timely filing of his or her application. While the EFS-Web system was designed to assist applicants in avoiding mistakes and omissions in filing applications, the responsibility for filing a complete application remains with the applicant. In other words, it is the responsibility of the applicant, not the USPTO, to ensure that the required documents are attached and uploaded when filing an application via EFS-Web.

With regard to petitioners' argument that the Office failed to provide timely notice that the application was incomplete, petitioners are reminded while the Office attempts to provide applicants any deficiency in sufficient time to permit the applicant to take corrective action, it is under no obligation to do so.<sup>1</sup> It is further noted that applicants could have attempted to view the application in Private PAIR, or otherwise contacted the USPTO to verify that the application papers intended to be filed had in fact been received in the USPTO on November 9, 2007.

Petitioners may wish to consider filing Figure 11 in a preliminary amendment. If Figure 11 is filed as a preliminary amendment, the amendment will be reviewed for new matter by the examiner.

The "Notice" mailed on November 28, 2008, was correct in stating that Figure 4A described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

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<sup>1</sup> See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994) (while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

As the present petition was not necessitated by any error on the part of the Office and the \$400.00 petition was required upon filing of the petition.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended.<sup>2</sup>

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By FAX:           (571) 273-8300  
                  Attn: Office of Petitions

By hand:           Customer Service Window  
                  Mail Stop Petition  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing with a filing date of November 9, 2007, using only the application papers present on filing.

Telephone inquires should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

---

<sup>2</sup> 37 CFR 1.181(f).



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DTW Jun-09

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**COPY MAILED**

JUN 11 2009

**OFFICE OF PETITIONS**

In re Application of :  
Li et al. :  
Application Number: 11/937581 : ON PETITION  
Filing Date: 11/09/2007 :  
Attorney Docket Number: :  
06352YET-US :

This is a decision in reference to the letter filed on April 25, 2009, which is treated as a renewed petition requesting that the above-identified application be accorded a filing date of November 9, 2007, with one (1) sheet of drawings containing Figure 11 as a part of the original disclosure.

The petition is **GRANTED**.

The application was filed on November 9, 2007.

Accordingly, on November 28, 2008, the Office of Patent Application Processing mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of November 9, 2007, but that Figure 11 described in the specification appeared to have been omitted. The petition filed on January 28, 2009, was dismissed on February 24, 2009.

In response, on April 25, 2009, the subject renewed petition was filed. Petitioners again assert that Figure 11 was in fact filed on November 9, 2007. Specifically, petitioners' counsel asserts that 10 sheets of drawings were filed by the USPTO's Electronic Filing System (EFS-Web) on November 9, 2007, and that the error was the result of the USPTO.

Upon further review, the Office has located the one (1) sheet of drawings containing Figure 11 submitted by EFS on November 9, 2007.

Accordingly, the Notice of Omitted Item(s) in a Nonprovisional Application mailed on November 28, 2008, was incorrect and is vacated. The Office apologizes for any inconvenience.

In view of the above, the petition is granted. As the petition was not necessitated by applicants' error, the petition fee will be credited to counsel's deposit account.

The application will be processed and examined using the application papers present on filing, including the one (1) sheet of drawings containing Figure 11.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of November 9, 2007, using only the application papers filed on that date, and for an indication in Office records that 10 sheets of drawings were present on filing.

Telephone inquires should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/937,616 11/09/2007 Yusuke YOSHIDA 10202.81 2141

7590 05/17/2010
NIDEC CORPORATION
c/o KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

EXAMINER

LOOK, EDWARD K

ART UNIT PAPER NUMBER

3745

NOTIFICATION DATE DELIVERY MODE

05/17/2010

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 05/17/2010 YFARNER
11/09/2007 INTEPSW 00006112 11937616
02 FC01111 -510.00 02

Refund Ref: 0000000000
05/17/2010
Credit Card Refund Total: 510.00



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APR 23 2009

NUTTER MCCLENNEN & FISH LLP  
WORLD TRADE CENTER WEST  
155 Seaport Boulevard  
Boston, Ma 02210-2604

In re Application of	:	
Timothy Fofonoff et al.	:	DECISION ON PETITION TO
Serial No. 11/937623	:	WITHDRAW FROM ISSUE
Filed: November 9, 2007	:	37 C.F.R. 1.313(a)
Title: Multiple Line Powered Rope Ascender:	:	
And Portable Hoist	:	

The above-identified application is withdrawn from issue after payment of the issue fee due to unpatentability of one or more claims. See 37 CFR 1.313(b)(3).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to John Nguyen at (571) 272-6952.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.



Frederick R. Schmidt, Director  
Technology Center 3600

rck



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/937,630	11/09/2007	Alexander V. Ershov	2405.0110001	2169

54089 7590 11/30/2007  
BARDMESSER LAW GROUP, P.C.  
910 17TH STREET, N.W.  
SUITE 800  
WASHINGTON, DC 20006

EXAMINER

MOFIZ, APU M

ART UNIT PAPER NUMBER

2161

MAIL DATE DELIVERY MODE

11/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



George S. Bardmesser  
BARDMESSER LAW GROUP  
910 17th Street, N.W.  
Suite 800  
Washington, D.C. 20006

In re Application of:  
Alexander V. ERSHOV  
Serial No.: 11/937,630  
Filed: November 09, 2007  
Attorney Docket: 2405.0110001  
Title: SEARCH ENGINE GRAPHICAL  
INTERFACE USING MAPS AND  
IMAGES

:  
:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the petition filed on November 09, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the “Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination” published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

#### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO’s electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
  - 5.3. encompass the disclosed features that may be claimed.
  6. must provide in support of the petition an accelerated examination support document.
- An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim

element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

### REVIEW OF FACTS

The conditions I.1 - I.4, II.1 - II.4, II.5.1 - II.5.3, II.6.1 - II.6.4 and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding to the requirement of MPEP § 708.02(a)(I)(I)(5) and item II.6.5 above, the Accelerated Examination Support Document only identifies figure 1 as providing support under 35 U.S.C. § 112, First paragraph for claims 1 and 17 and figures 1 and 2 as providing support under 35 U.S.C. § 112, First paragraph for claim 20, but fails to identify what elements in the figure(s) corresponding to each claim limitations and fails to identify each claim limitations and the corresponding support in the cited portions of the instant specification. A clarification and identification of support is required. Further, the instant application claims the benefit under 35 U.S.C. § 119(e) of the U.S. Provisional Patent Application No. 60/890,507; similar identification of support is required for each claim limitation in the Provisional application 60/890507.

### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

A handwritten signature in black ink, appearing to read "Vincent N. Trans". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Vincent N. Trans, SPRE/QAS  
Technology Center 2100  
Computer Architecture, Software, and  
Information Security



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/937,630	11/09/2007	Alexander V. Ershov	2405.0110001	2169

54089 7590 02/26/2008  
BARDMESSER LAW GROUP, P.C.  
910 17TH STREET, N.W.  
SUITE 800  
WASHINGTON, DC 20006

EXAMINER
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GAFFIN, JEFFREY A

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
02/26/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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George S. Bardmesser  
BARDMESSER LAW GROUP  
910 17<sup>th</sup> Street, N.W.  
Suite 800  
Washington, D.C. 20006

In re Application of:  
Alexander V. ERSHOV  
Serial No.: 11/937,630  
Filed: November 09, 2007  
Attorney Docket: 2405.0110001  
Title: SEARCH ENGINE GRAPHICAL  
INTERFACE USING MAPS AND  
IMAGES

:  
:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the renewed petition filed on December 20, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

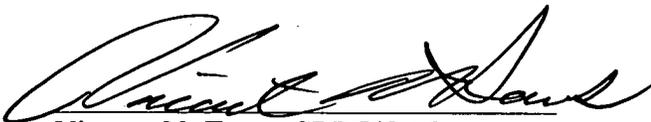
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.



Vincent N. Trans, SPRE/QAS  
Technology Center 2100  
Computer Architecture, Software, and  
Information Security



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**SEP 29 2008**

In re Application of	:	
TARIN, Stephen A.	:	
Application No. 11/937,672	:	DECISION ON PETITION TO
Filed: November 9, 2007	:	WITHDRAW FROM RECORD
Attorney Docket No. 8676-043-999	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 20, 2008.

The request is 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 THOMAS E. FRIEBEL on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the sole named inventor Stephen A. Tarin at the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.



Monica A. Graves  
Petitions Examiner  
Office of Petitions

CC: STEPHEN A. TARIN  
20 EAST 74<sup>TH</sup> STREET, SUITE 6G  
NEW YORK, NY 10021



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Pepper Hamilton LLP  
400 Berwyn Park  
899 Cassatt Road  
Berwyn PA 19312-1183

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JUN 29 2009

OFFICE OF PETITIONS

Applicant: Reaume et al.  
Appl. No.: 11/937,680  
Filing Date: November 9, 2007  
Title: METHODS FOR TREATING INFLAMMATORY CONDITIONS  
Attorney Docket No.: 130345.00101  
Pub. No.: US 2008/0161319 A1  
Pub. Date: July 3, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 27, 2008, for the above-identified application. Applicant requests that the application be republished because the patent application publication contains material errors of printing “R<sup>1</sup>, R<sup>4</sup>, R<sup>2a</sup>, R<sup>2b</sup>, a b, and R<sup>X</sup> are H” rather than “R<sup>1</sup>, R<sup>4</sup>, R<sup>2a</sup>, R<sup>2b</sup>, R<sup>3a</sup>, R<sup>3b</sup>, and R<sup>X</sup> are H” in claim 21 as originally filed.

The request is DISMISSED.

37 CFR 1.221 (b) is applicable “only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” (Emphasis added) A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The error, while Office error, is not material error as defined above. The context of the claims and specification indicates that the “a b” refers to “R<sup>3a</sup>, R<sup>3b</sup>”. Note the similar claim structures of claims 18-23, and the disclosure at paragraph [0028] of the published application. Further note that claim 21 is merely narrowed claim 1, where the R substituents are limited to H, rather than to a member of a group including H.

The errors have not been alleged by applicant to 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

---

<sup>1</sup>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).

seek to enforce upon issuance of a patent. Review of the record indicates that the indicated errors do not meet the above standard for material error.

Applicant is advised that he may want to file application papers that are clearer, as the error may be due to the quality of the text. 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.

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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WASHINGTON, DC 20005

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**OFFICE OF PETITIONS**

In re Application of  
**Thomas D. REED**, et al.  
Application No. 11/937,685  
Filed: November 9, 2007  
Attorney Docket No.  
**2584.0410001/RWE/GER**

NOTICE UNDER 37 CFR 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions



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PHILADELPHIA PA 19104-2891

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JUN 20 2008

**OFFICE OF PETITIONS**

In re Application of :  
Panwar, et al. :  
Application No. 11/937,823 : ON PETITION  
Deposited: November 9, 2007 :  
Attorney Docket No. \*\*19-0094 :

This is in response to the "PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEM(S) CONSIDERED AS OMITTED BY THE P.T.O. RESPONSE TO "NOTICE OF INCOMPLETE APPLICATION" filed January 29, 2008, requesting that the above-referenced application be accorded a filing date of November 9, 2007. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>.

Application papers in the above-identified application were deposited on November 9, 2007. However, on December 10, 2007, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioners' arguments and evidence have been considered. However, as further argued by applicants, the application as filed contained at least one method claim. MPEP 601.01(f) provides that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in

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<sup>1</sup> Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

[i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of November 9, 2007 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to November 9, 2007;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed December 27, 2007 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Alesia M. Brown at (571) 272-3205.



Alesia M. Brown  
Petitions Attorney  
Office of Petitions



MORRISON & FOERSTER LLP  
12531 HIGH BLUFF DRIVE  
SUITE 100  
SAN DIEGO CA 92130-2040

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**OFFICE OF PETITIONS**

In re Application of  
Barthold, et al.  
Deposited: November 9, 2007  
Application No. 11/937,824  
Atty. Dkt. No.: 584212006200

:  
:  
: ON PETITION  
:  
:

This decision is in response to the petition "PETITION TO ADD INADVERTENTLY OMITTED MATERIAL PURSUANT TO 37 CFR 1.57(a)," filed January 31, 2008, wherein petitioners request that the above-identified application be accorded a filing date of November 9, 2007 and wherein petitioners seek to amend the application to enter drawings omitted on filing.

In view thereof, the petition is hereby **DISMISSED**.

Petitioners are given TWO MONTHS from the mailing date of this decision to request reconsideration. Any request for reconsideration should be entitled "Request for Reconsideration of Petition under 37 CFR 1.57(a)." Extensions of time for seeking reconsideration under 37 CFR 1.136 are not available.

The application was deposited November 9, 2007. On December 12, 2007, the Office of Patent Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (Notice). The Notice indicated that the application had not been accorded a filing date because it appeared to have been submitted without drawings as required per 35 USC 113.

The Notice indicated that the filing date would be the date of receipt of all items indicated as omitted, unless otherwise indicated in the Notice. The Notice required that any assertions that the item(s) were submitted or were not necessary for a filing date, must be by way of petition (accompanied by required petition fee).

The Notice further indicated that if the application contained a priority claim under 37 CFR 1.55 or benefit claim under 37 CFR 1.78 of a prior-filed application that was present on the filing date of the application and applicants want to rely on 37 CFR 1.57(a) to add inadvertently omitted material to the above-identified application, applicants must file a petition under 37 CFR 1.57(a) accompanied by the \$400.00 petition fee (37 CFR 1.17(f)) within TWO MONTHS of the date of this Notice.

Petitioners acknowledge that the required drawings were inadvertently omitted.

The application as deposited included an application data sheet referencing a prior-filed foreign application. Further, the first page of the specification states, "[t]his application claims priority from German patent application DE 10 2006 053 748.3 filed on November 09, 2006. The content of the above patent application is incorporated by reference herein in its entirety."

The instant petition includes a certified copy of the prior-filed foreign application, German Application No. 10 2006 253 748.3, filed November 9, 2006, a verified English translation of the prior-filed foreign application, a statement of where the inadvertently omitted drawings can be found in the prior-filed foreign application, an executed declaration, a copy of Notice of Incomplete Nonprovisional Application, and payment of the required petition fee.

If all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s). *See*, 37 CFR 1.57(a).

The following conditions and requirements need to be met for an applicant to add omitted material to an application pursuant to 37 CFR 1.57(a):

- (A) the application must have been filed on or after September 21, 2004;
- (B) all or a portion of the specification or drawing(s) must have been inadvertently omitted from the application;
- (C) a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, must have been present on the filing date of the application;
- (D) the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application;
- (E) applicant must file an amendment to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by 37 CFR 1.114(b), or abandonment of the application, whichever occurs earlier;
- (F) if the application is not otherwise entitled to a filing date, applicant must also file a petition under 37 CFR 1.57(a) accompanied by the petition fee set forth in 37 CFR 1.17(f);
- (G) applicant must supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;





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**OFFICE OF PETITIONS**

In re Application of :  
Barthold, et al. :  
Deposited: November 9, 2007 :  
Application No. 11/937,824 :  
Atty. Dkt. No.: 584212006200 :

This decision is in response to the petition "REQUEST FOR RECONSIDERATION OF PETITION TO ADD INADVERTENTLY OMITTED MATERIAL AND AMENDMENT PURSUANT TO CFR 1.57(a)," filed November 24, 2008, wherein petitioners request that the above-identified application be accorded a filing date of November 9, 2007 and wherein petitioners seek to amend the application to enter drawings omitted on filing.

In view thereof, the petition is hereby **GRANTED**.

The application was deposited November 9, 2007. On December 12, 2007, the Office of Patent Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (Notice). The Notice indicated that the application had not been accorded a filing date because it appeared to have been submitted without drawings as required per 35 USC 113. A petition under 37 CFR 1.57(a) was filed January 31, 2008 and dismissed September 30, 2008.

The Notice indicated that the filing date would be the date of receipt of all items indicated as omitted, unless otherwise indicated in the Notice. The Notice required that any assertions that the item(s) were submitted or were not necessary for a filing date, must be by way of petition (accompanied by required petition fee).

The Notice further indicated that if the application contained a priority claim under 37 CFR 1.55 or benefit claim under 37 CFR 1.78 of a prior-filed application that was present on the filing date of the application and applicants want to rely on 37 CFR 1.57(a) to add inadvertently omitted material to the above-identified application, applicants must file a petition under 37 CFR 1.57(a) accompanied by the \$400.00 petition fee (37 CFR 1.17(f)) within TWO MONTHS of the date of this Notice.

Petitioners acknowledge that the required drawings were inadvertently omitted.

The application as deposited included an application data sheet referencing a prior-filed foreign application. Further, the first page of the specification states, "[t]his application claims priority

from German patent application DE 10 2006 053 748.3 filed on November 09, 2006. The content of the above patent application is incorporated by reference herein in its entirety.”

The record contains a certified copy of the prior-filed foreign application, German Application No. 10 2006 253 748.3, filed November 9, 2006, a verified English translation of the prior-filed foreign application, a statement of where the inadvertently omitted drawings can be found in the prior-filed foreign application, an executed declaration, a copy of Notice of Incomplete Nonprovisional Application, and payment of the required petition fee.

If all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s). *See*, 37 CFR 1.57(a).

The following conditions and requirements need to be met for an applicant to add omitted material to an application pursuant to 37 CFR 1.57(a):

- (A) the application must have been filed on or after September 21, 2004;
- (B) all or a portion of the specification or drawing(s) must have been inadvertently omitted from the application;
- (C) a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, must have been present on the filing date of the application;
- (D) the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application;
- (E) applicant must file an amendment to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by 37 CFR 1.114(b), or abandonment of the application, whichever occurs earlier;
- (F) if the application is not otherwise entitled to a filing date, applicant must also file a petition under 37 CFR 1.57(a) accompanied by the petition fee set forth in 37 CFR 1.17(f);
- (G) applicant must supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

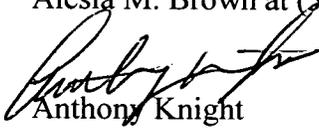
(H) applicant must supply an English language translation of any prior-filed application that is in a language other than English; and

(I) applicant must identify where the inadvertently omitted portion of the specification or drawing(s) can be found in the prior-filed application.

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above. The amendment to the specification will be reviewed in due course by the examiner of record. It is noted in passing that there are four sheets of drawings instead of three, as set forth in the amendment of November 24, 2008. However the numbering of the figures corresponds with both the original specification and that set forth in the amendment.

This application is being returned to the Office of Patent Application Processing for further processing with a filing date of November 9, 2007.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Anthony Knight  
Supervisor  
Office of Petitions



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WALKER DIGITAL MANAGEMENT, LLC  
2 HIGH RIDGE PARK  
STAMFORD, CT 06905

Mail Date: 04/21/2010

<b>Applicant</b>	: Jay S. Walker	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7637428	: RECALCULATION of PATENT
<b>Issue Date</b>	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/937,832	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 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 **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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ELLICOTT CITY, MD 21043

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OFFICE OF PETITIONS

In re Application of :  
Aravind SUNDARESAN, et al :  
Application No. 11/937,834 : DECISION ON PETITION  
Filed: November 9, 2007 :  
Attorney Docket No. MR2833-91 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 24, 2009, to revive the above-identified application.

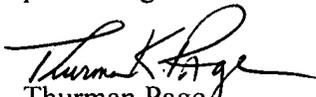
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 7, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 8, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form a signed declaration, replacement drawings and supplemental fee; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to the Office of Patent Application Processing for further processing in the normal course of business.

  
Thurman Page  
Petitions Examiner  
Office of Petitions



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**JABLONSKI LAW GROUP**  
11609 NE 97TH ST  
KIRKLAND WA 98033

**COPY MAILED**

**JAN 07 2008**

**OFFICE OF PETITIONS**

In re Application of

**ROY L. WANK et al.**

Application No. 11/937,896

Filed: November 09, 2007

Attorney Docket No. **1398-016**

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 28, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

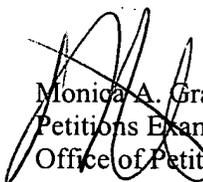
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The evidence submitted with the instant petition is a copy Jesse Milliken's birth certificate indicating that he is at least 65 years of age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done

  
Monica A. Graves  
Petitions Examiner  
Office of Petitions



**Foley Hoag, LLP**  
**Patent Group, World Trade Center West**  
**155 Seaport Blvd.**  
**Boston, MA 02110**

**MAILED**

**APR 12 2010**

In re Application of  
Marc DiZoglio et al.

Application No. 11/937,914  
Filed: November 9, 2007  
Attorney Docket No. RIA-00102

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**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 16, 2010.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Foley Hoag, LLP and all attorneys/agents associated with customer number 25181 have been revoked by the assignee of the patent application on April 8, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Scott C. Rand, Esq.  
McLane, Graf, Raulerson & Middleton, PA  
900 Elm Street  
P.O. Box 326  
Manchester, NH 03105-0326



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/937,914	11/09/2007	Marc DiZoglio	RIA-001.02

**CONFIRMATION NO. 2734**

**POWER OF ATTORNEY NOTICE**

25181  
FOLEY HOAG, LLP  
PATENT GROUP, WORLD TRADE CENTER WEST  
155 SEAPORT BLVD  
BOSTON, MA 02110



Date Mailed: 04/12/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 04/08/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervned as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



DEC 11 2009

CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

In re Application of	:	
Ralf Decke	:	
Application No. 11/937,919	:	DECISION ON PETITION
Filed: November 9, 2007	:	UNDER 37 CFR §1.181
Attorney Docket No.: 080437.59574US	:	
For: METHOD FOR OPERATING	:	
A MOTOR VEHICLE WITH A LARGE	:	
NUMBER OF FUNCTION SYSTEMS	:	

This is a decision on applicant's petition under 37 CFR 1.181 filed August 7, 2009 requesting withdrawal of the finality of the Office action mailed August 5, 2009.

The petition is **GRANTED**.

The record reflects that in the paper filed May 21, 2009 claim 1 was amended to include the exact limitations of claim 2, which was dependent on claim 1 as originally filed. Also in the May 21, 2009 paper claim 12 was amended to include the exact limitations of claim 13, which was dependent on claim 12 as originally filed.

As the petitioner points out, in the Final rejection, the examiner *added* U.S. Patent Application Publication to Alagappan et al. to Anderson to reject claims 1 and 12 and in a separate rejection *added* Alagappan to Boger to reject claims 1 and 12. The petitioner correctly points out:

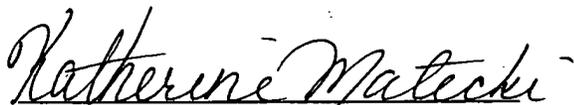
“Claims 2 and 13 prior to the Reply filed on May 21, 2009, necessarily included all of the elements of claims 1 and 12, respectively, because they were dependent thereon. Accordingly, amending claims 1 and 12 to include the limitations of claims 2 and 13 could not have necessitated the new grounds of rejection. Instead, it appears that the Patent Office recognized that the Anderson and Boger references, each by itself, did not disclose or suggest all of the elements of claims 2 and 13, and thus required the addition of Alagappan to the rejection. “

37 CFR 1.181(f) states: The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provide. This two-month period is not extendable.

MPEP 706.07 sets forth that the examiner should never lose sight of the fact that in every case the applicant is entitled to a fair and full hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal; and that in making the final rejection, they [the grounds of rejection] must be clearly developed to such an extent that applicant may readily judge the advisability of appeal unless a single previous Office action contains a complete statement supporting the rejection. Furthermore, 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).

Accordingly, the finality of the Office action mailed August 5, 2009, but the action itself, is hereby withdrawn. The Office action mailed August 5, 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 the mailing of the Office action.

Summary: The petition is **GRANTED**.



Katherine Matecki, Director  
Patent Technology Center 3600  
Telephone No.: (571)-272-5250

*K*



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JUN 24 2008

**OFFICE OF PETITIONS**

In re Application of :  
Rodney R. Saunders :  
Application No. 11/937,932 : DECISION REFUSING STATUS  
Filed: November 9, 2007 : UNDER 37 CFR 1.47(b)  
Attorney Docket No. 107451-60965 US :

This is in response to the petition under 37 CFR 1.47(b), filed  
May 30, 2008.

The petition under 37 C.F.R. § 1.47(b) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this  
decision to reply, correcting the below-noted deficiencies. Any reply  
should be entitled "Request for Reconsideration of Petition Under 37  
C.F.R. § 1.47(b)," and should only address the deficiencies noted  
below, except that the reply may include an oath or declaration  
executed by the non-signing inventor. **Failure to respond will result  
in abandonment of the application.** Any extensions of time will be  
governed by 37 C.F.R. § 1.136(a).

A grantable petition under 37 C.F.R. § 1.47(b) requires: (1) proof  
that the non-signing inventor cannot be reached or refuses to sign the  
oath or declaration after having been presented with the application  
papers (specification, claims and drawings); (2) an acceptable oath or  
declaration in compliance with 37 C.F.R. § 1.63; (3) the petition fee;  
(4) a statement of the last known address of the non-signing inventor;  
(5) proof that the Rule 47(b) applicant has sufficient proprietary  
interest in the subject matter to justify the filing of the  
application; and (6) proof of irreparable damage. The instant  
petition does not satisfy requirement (2).

As to requirement (2), Rule 47 applicant has not submitted an executed oath or declaration. As set forth in MPEP 409.03(b), the "37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175." The title or position of the person signing must be stated if signing on behalf of a corporation. A corporation may authorize any person, including a registered attorney or agent, to sign the oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, proof of the attorney's or agent's authority in the form of a statement signed by the appropriate corporate officer must be submitted, or the attorney or agent can simply state that he or she is authorized to sign on behalf of the corporation.

The \$200 petition fee has been charged to Deposit Account No. 03-3839, as authorized.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop Petitions  
                              Commissioner for Patents  
                              P.O. Box 1450  
                              Alexandria VA 22313-1450

By FAX:                   (571)273-8300  
                              Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions



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NEWARK NJ 07102

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**SEP 23 2008**

In re Application of :  
Rodney R. Saunders :  
Application No. 11/937,932 : DECISION ACCORDING STATUS  
Filed: November 9, 2007 : UNDER 37 CFR 1.47(b)  
Attorney Docket No. 107451-60965 US:

This is in response to the renewed petition under 37 CFR 1.47(b),  
filed August 18, 2008.

The petition under 37 C.F.R. § 1.47(b) is GRANTED.

Applicant filed a petition under 37 CFR 1.47(b) on May 30, 2008.  
However, the petition was dismissed in a decision mailed on June  
24, 2008. The decision explained that applicant had not  
submitted an executed oath or declaration, signed by a party on  
behalf of the assignee.

With the instant renewed petition, applicant has submitted a  
declaration identifying the non-signing inventor, and executed by  
an officer of the assignee.

The petition and declaration have been reviewed and determined to  
be in compliance with 37 C.F.R. § 1.47(b).

The application is hereby accorded Rule 47 status.

As provided in 37 C.F.R. § 1.47(c), the Office will provide  
notice of this application's filing to the non-signing inventors  
at the last known address provided in the petition. Notice will  
also be provided in the Official Gazette.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is written in a cursive, somewhat stylized font.

Cliff Congo  
Petitions Attorney  
Office of Petitions



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RODNEY R SAUNDERS  
56 YAUTON WAY  
OAK ISLAND NC 28465

**COPY MAILED**

SEP 23 2008

In re Application of :  
Rodney R. Saunders :  
Application No. 11/937,932 :  
Filed: November 9, 2007 : LETTER  
Title: Method, System and Apparatus :  
for Dwell Monitoring in a Retail :  
Establishment :

Dear Mr. Saunders:

You are named as the inventor of the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo  
Petitions Attorney  
Office of Petitions



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**OCT 28 2008**

**OFFICE OF PETITIONS**

**Jane Shershenovich  
CP Keleo U.S., Inc.  
Suite 1000  
1000 Parkwood Circle  
Atlanta, GA 30339**

In re Application of :  
Shinya Ikeda et al. :  
Application No. 11/937,936 : **DECISION ON PETITION**  
Filed: November 9, 2007 :  
Attorney Docket No. 06-516 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 11, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. A three month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 12, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of (a) replacement drawings and (b) a declaration, (2) the petition fee of \$1540.00, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results

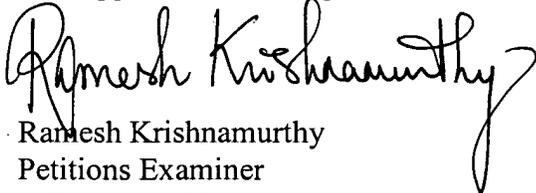
in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1770.00 extension of time fee submitted with the petition on July 29, 2008, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Patent Application Processing.



Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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BUSH INTELLECTUAL PROPERTY LAW GROUP, LLC  
P.O. BOX 381146  
BIRMINGHAM AL 35238

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APR 13 2009

OFFICE OF PETITIONS

In re Application of :  
James C. Stanley :  
Application No. 11/937,937 : ON PETITION  
Filed: November 9, 2007 :  
Attorney Docket No. STANLEY 1 :

This is a decision on the petition, filed February 16, 2009 and supplemented on April 9, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of applications filed in an eighteen-month publication country on November 6, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application(s) in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

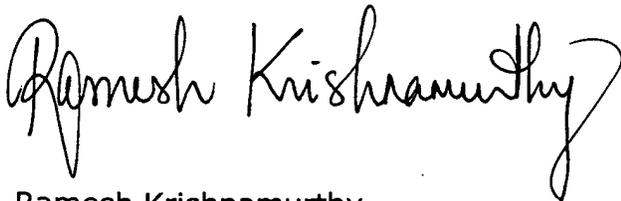
- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of July 16, 2009 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being forwarded to the Office of Data Management for appropriate action in normal course of business.



Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 4 columns: APPLICATION NUMBER (11/937,937), FILING OR 371(C) DATE (11/09/2007), FIRST NAMED APPLICANT (James C. Stanley), ATTY. DOCKET NO./TITLE (STANLEY I)

CONFIRMATION NO. 2786

40198
BUSH INTELLECTUAL PROPERTY LAW GROUP, LLC
P.O. BOX 381146
BIRMINGHAM, AL 35238

NONPUBLICATION RESCISSION LETTER



Date Mailed: 04/06/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 07/16/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

1 Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



MAIL

DEC 04 2007

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

CANTOR COLBURN LLP-IBM YORKTOWN  
55 GRIFFIN ROAD SOUTH  
BLOOMFIELD CT 06002

In re Application of:  
DE GENNARO, STEVEN V., et al.  
Serial No.: 11/937,958  
Filed: November 09, 2007  
  
Title: **SYSTEM FOR ISOLATING RADIO  
PROPAGATION ZONES**

:  
:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the petition filed on November 09, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2, 5.3, 6.2, 6.3, and 6.5.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/subclasses: 340/841-842.

Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document is deficient as follows: The petition fails to specify where each of the identified limitations in the claims are disclosed by each cited reference as required by item 6.2.

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient because section 9(C) fails to provide a “detailed explanation of how **each of the claims** are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c)” (emphasis added). Petitioner does not provide a detailed explanation of patentability of all claims (including the dependent claims) with respect to each reference and if claims do not stand or fall together, how each claim (including the dependent claims) is patentably distinct over the cited prior art in combination with the other cited references. Since petitioner has only argued the patentability of the broadest, independent claim 1 and no separate reasons for patentability are argued in regard to dependent claims 2-5, it is presumed that petitioner believes that all claims not separately argued for patentability stand or fall together. If this is not accurate, then any request for reconsideration must provide a detailed explanation in regard to *each of the claims* as set forth in item 6.3 above.

Regarding the requirement in item 6.5 above, the “Accelerated Examination Support Document”, is deficient because section 9(F) fails to include a showing of where **each limitation of the claims** finds support under the first paragraph of 35 USC 112 in the written description of the instant specification. Petitioner provides a broad statement that support is shown for claims 1-5 and identifies paragraphs, without providing any indication where each specific claim limitation finds support in the specification for each claim. Clarification is required.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.2 and 5.3 above, and the Preexamination Search Document must be amended to provide all details of all searches conducted, including: fields of searches (including class/subclasses) and the dates of the searches, and name of files and/or databases searched, and the search logic used as queries in all searches; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above, including a showing of where each limitation of each claim finds support in all benefit applications.

## DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.



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Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
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**FEB 04 2008**

**DIRECTOR'S OFFICE  
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In re Application of:

DE GENNARO, STEVEN V. et al,

Serial No.: 11/937,958

Filed: November 09, 2007

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DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **FOLLOW-UP SYNCHRONIZATION  
TO MAINTAIN SYNCHRONIZATION  
THROUGHOUT TRANSMISSION**

This is a decision on the petition filed on January 03, 2008 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed December 04, 2007 have been met.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral

election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having been constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.



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Michael Horabik  
Quality Assurance Specialist  
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**DEC 13 2007**

**DIRECTOR'S OFFICE  
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In re Application of:

Steven V. DeGennaro, et al.

Serial No.: 11/937,971

Filed: November 9, 2007

Title: **CURTAIN FOR ISOLATING RADIO  
PROPAGATION ZONES**

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on November 9, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
  - 5.3. encompass the disclosed features that may be claimed.
  6. must provide in support of the petition an accelerated examination support document.
- An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2 and 5.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/subclasses: 343/ 841 and 842.

Please note that any request for reconsideration must include an updated Information Disclosure Statement citing any newly found relevant prior art and an updated Accelerated Examination Support Document (AESD) meeting all of requirements 6.1 – 6.6 for any documents uncovered by the new search(es) as required above.

In summary, if any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5., 5.2 and 5.3 above, and the Preexamination Search Document must be amended to provide all details of all searches conducted, including: fields of searches (including class/subclasses) and the dates of the searches, and name of files and/or databases searched, and the search logic used as queries in all searches; a supplemental Information Disclosure Statement must be filed citing any newly found prior art; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of all newly cited prior art in accordance with all of items 6 through 6.6 above.

Furthermore, applicant is reminded that item 6.3 above requires a detailed explanation of how **each** of the claims are patentable over **each** of the references cited with particularity required by 37 CFR 1.111(b) and (c). While part 9(C) taken together with part 9(B) appears to meet this requirement, applicant must be sure that any amended Accelerated Examination Support Document clearly meet this requirement in part 9(C) for any new cited references.

## DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

/Krista Zele/

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In re Application of:  
Steven V. De Gennaro, et al.  
Serial No.: 11/937,971  
Filed: November 9, 2007

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **CURTAIN FOR ISOLATING RADIO  
PROPAGATION ZONES**

This is a decision on the petition filed on January 11, 2008 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed December 12, 2007 have been met.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01.

As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-3068.

/Krista Zele/

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**DIRECTOR'S OFFICE  
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In re Application of:  
Steven V. DeGennaro, et al.  
Serial No.: 11/937,979  
Filed: November 9, 2007  
  
Title: **METHOD FOR ISOLATING RADIO  
PROPAGATION ZONES**

:  
: **DECISION ON PETITION TO**  
: **MAKE SPECIAL FOR NEW**  
: **APPLICATION UNDER 37**  
: **C.F.R. § 1.102 & M.P.E.P. §**  
: **708.02**

This is a decision on the petition filed on November 9, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

**REGULATION AND PRACTICE**

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

**I. Conditions Regarding the Application:**

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2 and 5.3, and 6.2.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/subclasses: 343/ 841 and 842.

Please note that any request for reconsideration must include an updated Information Disclosure Statement citing any newly found relevant prior art and an updated Accelerated Examination Support Document (AESD) meeting all of requirements 6.1 – 6.6 for any documents uncovered by the new search(es) as required above.

In regard to the requirement in item 6.2 above, in part 9(B) of the Accelerated Examination Support Document, petitioner refers to elements h) and i) of claim 1 when discussing how these limitations correspond to the second cited reference, US patent 7,187,288 to Medolia et al. This is confusing because there are no h) or i) limitations labeled in claim 1. Therefore, clarification is required. It appears that this discussion needs clarification so that this reference is discussed accurately with respect to the labeled elements a) thru g) recited in claim 1. Correction is required.

In summary, if any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5., 5.2 and 5.3 above, and the Preexamination Search Document must be amended to provide all details of all searches conducted, including: fields of searches (including class/subclasses) and the dates of the searches, and name of files and/or databases searched, and the search logic used as queries in all searches; a supplemental Information Disclosure Statement must be filed citing any newly found prior art; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of all newly cited prior art in accordance with all of items 6 through 6.6 above, and clarified in regard to item 6.2 discussed above.

Furthermore, applicant is reminded that item 6.3 above requires a detailed explanation of how each of the claims are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c). While part 9(C) taken together with part 9(B) appears to meet this requirement, applicant must be sure that any amended Accelerated Examination Support Document clearly meet this requirement in part 9(C) for any new cited references.

## DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

/Krista Zele/

---

Krista Zele  
Quality Assurance Specialist  
Technology Center 2600  
Communications



CANTOR COLBURN LLP-IBM YORKTOWN  
20 Church Street  
22nd Floor  
Hartford CT 06103

**MAIL**

**FEB 05 2008**  
**DIRECTOR'S OFFICE**  
**TECHNOLOGY CENTER 2600**

In re Application of:  
Steven V. De Gennaro, et al.  
Serial No.: 11/937,979  
Filed: November 9, 2007

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **METHOD FOR ISOLATING RADIO  
PROPAGATION ZONES**

This is a decision on the petition filed on January 11, 2008 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed December 12, 2007 have been met.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01.

As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having been constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-3068.

*/Krista Zele/*

---

Krista Zele  
Quality Assurance Specialist  
Technology Center 2600  
Communications



CANTOR COLBURN, LLP  
20 CHURCH STREET  
22ND FLOOR  
HARTFORD CT 06103

**COPY MAILED**

FEB 22 2008

**OFFICE OF PETITIONS**

In re Application of :  
Michael Gallo et al. :  
Application No. 11/938,002 : DECISION REFUSING STATUS  
Filed: November 9, 2007 : UNDER 37 CFR 1.47(a)  
Attorney Docket No. WIC-0022 :

This is in response to the petition filed February 4, 2008 under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on November 9, 2007 without an executed oath or declaration. Accordingly, on December 3, 2007, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration signed only by joint inventor Steve Sanelli but not by joint inventor Michael Gallo was filed with the instant petition. Petitioners argue that after diligent efforts, joint inventor Gallo cannot be located.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

The present petition lacks items (1).

Petitioners have shown that the application papers were mailed via FEDEX to non-signing inventor Gallo but that the package was not claimed and it has been indicated that the addressee had moved. Additionally, petitioners have conducted an internet search which confirms that the address where the application papers were mailed to is the same as that noted as the last known address. Petitioners have not shown however that diligent efforts have been made to locate the non-signing inventor.<sup>1</sup>

Petitioners must provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the additional efforts to locate Mr. Gallo such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate him, send or give a copy of the application papers to him, and request that he sign and return the declaration. If repeated attempts to contact the non-signing inventor by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that he cannot be found despite diligent efforts.

Since petitioners have indicated though that joint inventor Gallo has moved from the address noted as the last known address, petitioners should expand the Internet, e-mail, or telephone directory searches beyond the State of Connecticut.

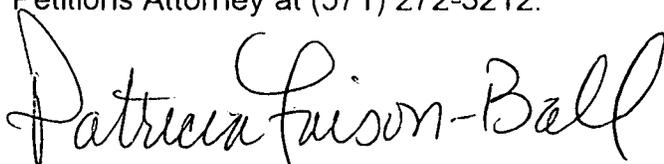
If Mr. Gallo refuses in writing to sign the declaration, petitioners should provide a copy of that written refusal with any renewed petition. If a verbal refusal to sign is made to a person, details should be given in an affidavit or declaration of facts by a person having first hand knowledge of the facts of refusal.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                    Mail Stop Petitions  
                                  Commissioner for Patents  
                                  P.O. Box 1450  
                                  Alexandria, VA 22313-1450

By FAX:                    (571) 273-8300  
                                  Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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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MAY 12 2010

OFFICE OF PETITIONS

HISCOCK & BARCLAY, LLP  
2000 HSBC PLAZA  
100 Chestnut Street  
ROCHESTER NY 14604-2404

In re Application of :  
Seung Soo Hong, et al. :  
Application No. 11/938,008 : DECISION GRANTING PETITION  
Filed: November 9, 2007 : UNDER 37 CFR 1.313(c)(3)  
Attorney Docket No. WA-493/US :

This is a decision on the petition, filed May 10, 2010, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment. *See* 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

Terri Johnson  
Petitions Examiner  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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MAY 26 2010

OFFICE OF PETITIONS

**HISCOCK & BARCLAY, LLP**  
**2000 HSBC PLAZA**  
**100 Chestnut Street**  
**ROCHESTER NY 14604-2404**

In re Application of  
Seung Soo Hong, et al  
Application No. 11/938,008  
Filed: November 9, 2007  
Attorney Docket No. WA-493/US

:  
:  
: REQUEST FOR REFUND  
:

This is a decision on the request for refund submitted on April 5, 2010.

The request for refund is **DISMISSED**.

The request for refund of the issue fee paid on June 30, 2009, is dismissed in this instance because the issue fee was due upon payment and not paid by mistake. Note MPEP 607.02. 35 U.S.C. 42(d) and 37 C.F.R. 1.26.

Telephone inquiries should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions



TOWNSEND AND TOWNSEND  
AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

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**JUN 19 2008**  
**OFFICE OF PETITIONS**

In re Application of :  
Nakhjiri, et al. : DECISION ON PETITION  
Application No. 11/938,048 :  
Filed: 9 November, 2007 :  
Attorney Docket No. 021822-007320US :

This is in response to the petition filed inappropriately under 37 C.F.R. §1.47(b) on 9 January, 2008, and properly considered under 37 C.F.R. §1.47(a).

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition under 37 CFR 1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an

acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

From the outset, as indicated above Petitioner filed the instant petition under the wrong provision of the rule (i.e., filed under 37 C.F.R. §1.47(b), rather than under 37 C.F.R. §1.47(a))—in fact Petitioner is identified as one of the inventors and he has so signed the oath/declaration in the capacity of co-inventor and not in lieu of any signing inventor(s).

More problematic, however, are Petitioner's conflicting statements, to wit:

- “5. [non-signing inventor] [Majid F] Nakhjiri was presented with a copy of the application papers, which were the same papers filed with USPTO on November 9, 2007, along with the declaration and assignment for signature via Federal Express to his residence address on December 14, 2007, as evidenced by Exhibit B. No response was has been received from Mr. Nakhjiri”; and
- “6. Mr. Nakhjiri cannot be found or reached after diligent effort to sign any formal papers for the ‘048 application, such as the declaration and assignment.” (Emphasis supplied.)

What makes these conflicting statements more problematic is that, while a Federal Express document submitted by Petitioner indicates delivery, there is no indication that there was personal acceptance of the shipment, rather than simply a deposit at the door.

Further, if there was no personal acceptance and the address is not a current/valid address, there is no actual demonstration by Petitioner—other than a simple statement—of a diligent effort to determine a reasonably believed to be valid/current/last known address for Mr. Nakhjiri.

Moreover, Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements.

Applicant lacks: demonstration of a diligent effort to ascertain last known address for the non-signing inventor with additional evidence thereafter that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the entire application (description, claims, abstract and drawings), as set forth above.

As to proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings): the applicable statute (35 U.S.C. § 116) requires that a “diligent effort” have been expended in attempting to find or reach the non-signing inventor. See MPEP §409.03, and §409.03(a) and (e): “a *bona fide* attempt.”

The matters must be clarified on any renewed petition.

## BACKGROUND

The record indicates:

The instant application was filed on 9 November, 2007, without, *inter alia*, a fully executed oath/declaration.

On 3 Decmeber, 2007, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required.

On 9 January, 2008, Petitioner Grant Randolph (Reg. No. 50,487) filed the instant petition with, *inter alia*, an oath/declaration signed by himself on behalf of himself and the non-signing inventor Mr. Nakhjiri, and with the conflicting statements discussed above, and a lack of clarity as to the nature of the presentation (or not) of the entire application to Mr. Nakhijiri, and as to whether Mr. Nakhjiri had or had not been found and as to the issues of the diligent effort used (or not) to ascertain a reasonably believed to be current/valid/last known address for Mr. Nakhjiri.

Also, there appears to be new Counsel of Record.

As set forth above, any renewed petition by new Counsel must clarify these items.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

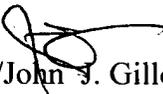
Application No. 11/938,048

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   Customer Service Window  
                              Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By FAX:                   (571) 273-8300  
                              ATTN: Office of Petitions

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

  
/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

Ajit S. Narang, Esq.  
MEDTRONIC MINIMED, INC.  
18000 Devonshire Street  
Northridge, CA 91325-1219

Mail Date: 04/21/2010

<b>Applicant</b>	: Nannette M. VanAntwerp	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7660615	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/938,084	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 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 **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.

<b>PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)</b>					
<b>Application Information</b>					
Application Number	11938147	Confirmation Number	3282	Filing Date	2007-11-09
Attorney Docket Number (optional)	MARRACCINI 201.1	Art Unit	1618	Examiner	
First Named Inventor	Philip A. Marraccini				
Title of Invention	HEALING POWDER AND METHOD OF USE THEREOF				
<p><b>Attention: Office of Petitions</b>                      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).</p> <p>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.</p> <p>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.</p>					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Philip	A.	Marraccini			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/Steven M. Hoffberg/		Date (YYYY-MM-DD)	2009-11-04	
Name	Steven M. Hoffberg		Registration Number	33511	

## 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 Freedom 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 individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Application of  
Philip A. Marraccini

:  
:

Application No. 11938147

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

Filed: November 9, 2007

:

Attorney Docket No. MARRACCINI 201.1

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 04-NOV-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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Paper No.

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

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**SEP 16 2008**

In re Application of :  
Bradford E. Bjornson et al. :  
Application No. 11/938,189 : DECISION ON PETITION  
Filing Date: November 9, 2007 : PURSUANT TO  
Attorney Docket No.: : 37 C.F.R. § 1.78(A)(3)  
FETHE28.7AUS3CP/83743-107 :  
Title: METHOD AND APPARATUS FOR :  
CREATING A SLURRY :

This is a decision on the petition filed on July 28, 2008, pursuant to 37 C.F.R. § 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional application set forth in a concurrently filed supplemental Application Data Sheet (ADS).

The petition pursuant to 37 C.F.R. § 1.78(a)(3) is **DISMISSED**.

A petition for acceptance of a claim for late priority pursuant to 37 C.F.R. § 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 C.F.R. § 1.78(a)(2)(ii). In addition, the petition pursuant to 37 C.F.R. § 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-filed applications, unless previously submitted;

- (2) the surcharge set forth in 37 C.F.R. § 1.17(t), and;
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. § 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.

As set forth above, 37 C.F.R. § 1.78(a)(3)(iii) requires a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date the claim was filed was unintentional. Since the statement contained in this petition varies slightly from the language required by 37 C.F.R. § 1.78(a)(3)(iii), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.78(a)(3)(iii), and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has included, *inter alia*, an ADS, the surcharge, and a statement that is being construed as the proper statement of unintentional delay.

The petition does not satisfy item (1) above. Items (2) and (3) have been satisfied.

Regarding the first item, the ADS that was filed with this petition cannot be accepted, as it has not been executed.

Petitioner will note that an ADS filed with the application is not required to be signed unless the ADS includes a nonpublication request. 37 C.F.R. § 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 C.F.R. § 1.27(c)(2)(ii), filed in the application must be signed by an appropriate party. Therefore, an ADS or a supplemental ADS filed after the filing of an application must be signed in accordance with 37 C.F.R. § 1.33(b).

Moreover, *assuming arguendo* that the ADS had been properly executed, this ADS still could not be accepted, as it does not contain the status of the prior-filed non-provisional application to which benefit is claimed.<sup>1</sup>

---

<sup>1</sup> See 37 C.F.R. § 1.76(b)(5).

If reconsideration of this decision is desired, a renewed petition pursuant to 37 C.F.R. § 1.78(a)(3) and either a properly executed ADS or an amendment to the specification to correct the above matters are required.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.78(a)(3)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,<sup>2</sup> hand-delivery,<sup>3</sup> or facsimile.<sup>4</sup> Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.<sup>5</sup>

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the deciding official.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanowski at (571) 272-3225.<sup>6</sup>

  
\_\_\_\_\_  
Anthony Knight  
Supervisor  
Office of Petitions

<sup>2</sup> Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

<sup>3</sup> Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

<sup>4</sup> (571) 273-8300- please note this is a central facsimile number.

<sup>5</sup> <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

<sup>6</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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Paper No.

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

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JAN 06 2009

**OFFICE OF PETITIONS**

In re Application of :  
Bradford E. Bjornson et al. :  
Application No. 11/938,189 : DECISION ON RENEWED  
Filing Date: November 9, 2007 : PETITION PURSUANT TO  
Attorney Docket No.: : 37 C.F.R. § 1.78(A)(3)  
FETHE28.7AUS3CP/83743-107 :  
Title: METHOD AND APPARATUS FOR :  
CREATING A SLURRY :

This is a decision on the renewed petition filed on November 18, 2008, pursuant to 37 C.F.R. § 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional application set forth in a concurrently filed supplemental Application Data Sheet (ADS).

This renewed petition pursuant to 37 C.F.R. § 1.78(a)(3) is **GRANTED**.

An original petition pursuant to 37 C.F.R. § 1.78(a)(3) was filed on July 28, 2008, along with, *inter alia*, an ADS, the surcharge, and a statement that was construed as the proper statement of unintentional delay. The original petition was dismissed via the mailing of a decision on September 16, 2008, which indicated that items (2) and (3) have been satisfied. The decision further indicated that the first requirement has not been met, as the concurrently submitted ADS could be accepted, as it has not been executed. Moreover, the ADS did not contain the status of the

prior-filed non-provisional application to which benefit is claimed.<sup>1</sup>

A petition for acceptance of a claim for late priority pursuant to 37 C.F.R. § 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 C.F.R. § 1.78(a)(2)(ii). In addition, the petition pursuant to 37 C.F.R. § 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-filed applications, unless previously submitted;
- (2) the surcharge set forth in 37 C.F.R. § 1.17(t), and;
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. § 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.

As set forth above, 37 C.F.R. § 1.78(a)(3)(iii) requires a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date the claim was filed was unintentional. Since the statement contained in this renewed petition varies slightly from the language required by 37 C.F.R. § 1.78(a)(3)(iii), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.78(a)(3)(iii), and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this renewed petition, Petitioner has included a statement that is being construed as the proper statement of unintentional delay. Petitioner has further included an executed Supplemental ADS that contains the status of the prior-filed non-provisional application to which benefit is claimed

As such, the first requirement of 37 C.F.R. § 1.78(a)(3) has been met.

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<sup>1</sup> See 37 C.F.R. § 1.76(b)(5).

All of the above requirements having been satisfied, the late claim for priority pursuant to 35 U.S.C. § 120 is accepted as being unintentionally delayed.

**The granting of this petition to accept the delayed benefit claim to the prior-filed application pursuant to 37 C.F.R. § 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 C.F.R. §§ 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that Applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the Examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on renewed petition.

This application is being forwarded to Technology Center Art Unit 3725 for consideration by the examiner of the claim under 35 U.S.C. § 120 of the prior-filed nonprovisional application.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.<sup>2</sup>

  
\_\_\_\_\_  
Anthony Knight  
Supervisor  
Office of Petitions

Encl. Corrected Filing Receipt

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<sup>2</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



JAS IP CONSULTING  
309 2ND STREET  
SUITE 8  
LOS ALTOS CA 94022

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**MAR 25 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Eric Shrader, Uma Srinivasan, Clark Crawford, : **DECISION GRANTING STATUS**  
and Scott Limb : **UNDER 37 CFR 1.47(a)**  
Application No.11/938,195 :  
Filed: November 9, 2007 :  
Title of Invention: Lamination For Printed :  
Photomask :

This is in response to the petition under 37 CFR 1.47(a), filed November 9, 2007.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor Clark Crawford has refused to join in the filing of the above-identified application after having been presented with the application papers. The petition attest a copy of the application was presented to non-signing inventor. Petitioner has provided evidence of the non-signing inventor's explicit refusal to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The address provided in the application data sheet is presumed to be non-signing inventor's last known address. If this is not correct petitioner is obligated to inform the Office.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being forwarded to the Office of Patent Application Processing for appropriate action in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Charlema R. Grant  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Clark Crawford  
1135 River Rock Lane  
Danville, CA 94526

**COPY MAILED**

MAR 25 2008

In re Application of  
Eric Shrader, Uma Srinivasan, Clark Crawford, :  
and Scott Limb :  
Application No. 11/938,195 :  
Filed: November 9, 2007 :  
Title of Invention: Lamination For Printed :  
Photomask :

**OFFICE OF PETITIONS**

LETTER

Dear Mr. Crawford :

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, applicant (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant  
Petitions Attorney  
Office of Petitions

JONATHAN A. SMALL  
JAS IP CONSULTING  
343 2ND STREET  
SUITE F  
LOS ALTOS CA 94022



MacPherson, Kwok, Chen & Heid, LLP  
2033 Gateway Place  
Suite 400  
San Jose, CA 95110

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**JUN 09 2008**

In re Application of	:	
Yolin Lih et al.	:	
Application No. 11/938,196	:	DECISION ON PETITION
Filed: November 9, 2007	:	TO WITHDRAW
Attorney Docket No. M-17114-1C US	:	FROM RECORD

This is a decision on the request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed April 29, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Edward C. Kwok on behalf of all attorneys/agents associated with customer number 32605. All attorneys/agents associated with customer number 32605 have been withdrawn.

The request to change the correspondence of record was been filed and is made of record.

Applicant is reminded that there is no attorney of record at this time.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

*Kimberly Inabinet*  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Brooks, Kushman, P.C./Sun/Stk  
1000 Town Center, Twenty-Second Floor  
Southfield, MI 48075-1238



**HENSLEY KIM & HOLZER, LLC**  
1660 LINCOLN STREET, SUITE 3000  
DENVER CO 80264

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**SEP 04 2008**

In re Application of	:	
<b>DRMANAC, Radoje</b>	:	
Application No. 11/938,221	:	<b>DECISION ON PETITION</b>
Filed: November 09, 2007	:	<b>TO WITHDRAW</b>
Attorney Docket No. <b>CGI-1501US2/569-025-USP</b>	:	<b>FROM RECORD</b>

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 18, 2008.

The request is **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 G. Peter Albert, Jr. on behalf of all attorneys of record who are associated with customer No. 45346. All attorneys/agents associated with the Customer Number 45346 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: **RADOJE DRMANAC**  
27636 RED ROCK ROAD  
LOS ALTOS HILLS CA 94022

cc: **GRAYSON & KUBLI, PC**  
8605 WESTWOOD CENTER DRIVE, SUITE 410  
VIENNA, VA 22182



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PROCOPIO CORY HARGREAVES & SAVITCH LLP  
530 B STREET  
SUITE 2100  
SAN DIEGO, CA 92101

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**AUG 14 2009**

In re Application of  
Michael C. Pousti et al  
Application No. 11/938,224  
Filed: November 9, 2007  
Attorney Docket No. 116559-2301CP

**OFFICE OF PETITIONS**  
**DECISION ON PETITION**  
**TO WITHDRAW**  
**FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed June 29, 2009.

The request is **APPROVED**.

A review of the file record indicates that William D. McSpadden: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, William D. McSpadden has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: William D. McSpadden  
2001 Ross Avenue, Suite 2300  
Dallas, TX 75201



# UNITED STATES PATENT AND TRADEMARK OFFICE

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WADDEY & PATTERSON, P.C.  
1600 DIVISION STREET, SUITE 500  
NASHVILLE, TN 37203

Mail Date: 04/20/2010

Applicant : Jess H Heald : DECISION ON REQUEST FOR  
Patent Number : 7601083 : RECALCULATION of PATENT  
Issue Date : 10/13/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/938,245 : 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 **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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**SHUGHART THOMSON & KILROY, PC**  
**120 WEST 12TH STREET**  
**KANSAS CITY MO 64105**

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JUL 09 2008

In re Application of :  
Glass, Gerald :  
Application No. 11/938,333 :  
Filed: November 12, 2007 :  
Attorney Docket No. HOL115/117875 :

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Replacement Drawings, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further processing. Thereafter, the matter will be referred to Technology Center 1700 for examination in due course.

Liana Walsh  
Petitions Examiner  
Office of Petitions



MCNEES WALLACE & NURICK LLC  
100 PINE STREET  
P.O. BOX 1166  
HARRISBURG, PA 17108-1166

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**DEC 22 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Douglas Melton Carper et al :  
Application No. 11/938,349 :  
Filed: November 12, 2007 :  
Attorney Docket No. 121500 (0173-DIV1) :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Corrected Application Papers (Notice) mailed February 8, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 9, 2008.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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PO BOX 552  
JOHNSTON, IA 50131-0552

**MAILED**

**JUL 28 2010**

In re Application of : **OFFICE OF PETITIONS**  
James Wayne Bing, et al. :  
Application No. 11/938,367 : **DECISION GRANTING PETITION**  
Filed: November 12, 2007 : **UNDER 37 CFR 1.313(c)(2)**  
Attorney Docket No. P08987US06 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 26, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on February 4, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1637 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> 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.



FORD GLOBAL TECHNOLOGIES, LLC  
FAIRLANE PLAZA SOUTH, SUITE 800  
330 TOWN CENTER DRIVE  
DEARBORN MI 48126

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JAN 14 2009

**OFFICE OF PETITIONS**

In re Application of  
Palmquist et al.  
Application No.: 11/938,419  
Filed: November 12, 2007  
Attorney Docket No. 81162279

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:  
: ON PETITION  
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This is in response to the petition under 37 CFR 1.137(b) filed December 26, 2008.

The petition under 37 CFR 1.137(b) is **granted**.

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on February 22, 2008, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required an oath or declaration to be filed and \$130.00 surcharge for the late filing of the same. A complete response was not received within the allowable period, and the application became abandoned on April 23, 2008. A Notice of Abandonment was mailed on October 23, 2008.

The declaration executed by inventor Palmquist filed June 17, 2008 is noted.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future

correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.



Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

cc:

Joseph G. Burgess  
PO Box 214320  
Auburn Hills, MI 48321



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450  
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SCHUBERT & OSTERRIEDER, PLLC  
6013 CANNON MOUNTAIN DRIVE, S14  
AUSTIN, TX 78749

**MAILED**

JUN 10 2010

OFFICE OF PETITIONS

In re Application of  
Shawn Eugene Davis, et. al.  
Application No. 11/938,430  
Filed: November 12, 2007  
Attorney Docket No. GSD.4010.PAT

DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed April 2, 2010.

The request is **APPROVED**.

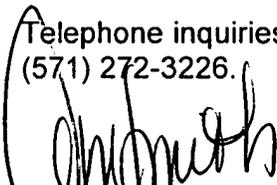
A review of the file record indicates that Jeffrey S. Schubert and the attorney/agents associated with Customer Number 38518: (1) do not have power of attorney in this patent application; but (2) have been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Jeffrey S. Schubert and the attorney/agents associated with Customer Number 38518 have been withdrawn from the present application and may not prepare or submit papers under 37 CFR § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 CFR § 1.32(b).

Applicant is reminded that there are no attorneys/agents of record at this time.

There is an outstanding Office action mailed January 25, 2010 that requires a reply from applicant.

All future communications from the Office will be directed to the first named signing inventor at the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: Shawn Eugene Davis  
P.O. Box 131  
Leander, TX 78646



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/938,430	11/12/2007	Shawn Eugene Davis	GSD.4010.PAT

38518  
SCHUBERT & OSTERRIEDER PLLC  
6013 CANNON MOUNTAIN DRIVE, S14  
AUSTIN, TX 78749

**CONFIRMATION NO. 3965**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 06/09/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 04/02/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/938,431	11/12/2007	Hongjiang Wu	LSH-0022	3966
7590 Hasse & Nesbitt LLC 8837 Chapel Square Drive Suite C CINCINNATI, OH 45249			EXAMINER CHUNG, DAVID Y	
			ART UNIT 2871	PAPER NUMBER
			MAIL DATE 06/24/2010	DELIVERY MODE PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**  
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mimi Farmer*  
 Patent Publication Branch  
 Office of Data Management

Application No: 11/938,431  
 Filing Date: 11/12/2007  
 Invention Title: [Illegible]  
 Credit Card Refund Totals: \$513.02

Adjustment date: 06/24/2010  
 11/12/2007 INTESU 00007232 11938431  
 02 FOR:1111 -310.00 07



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**MAILED**

**OCT 02 2008**

**TECHNOLOGY CENTER 2100**

MARGER JOHNSON & MCCOLLOM, P.C.  
210 SW MORRISON STREET, SUITE 400  
PORTLAND OR 97204

In re Application of: JUNG et al.  
Application No. 11/938,432  
Filed: November 12, 07  
For: MEMORY CARD

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 22, 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 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 items 2 in that the petition fails to include a copy of all claims which were determined to be patentable by the KIPO. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

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 by EFS web.

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>.

/Mano Padmanabhan/

---

Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/938,432	11/12/2007	Jin-Young JUNG	9898-650	3967
20575	7590	12/16/2008	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			BRAGDON, REGINALD GLENWOOD	
			ART UNIT	PAPER NUMBER
			2189	
			MAIL DATE	DELIVERY MODE
			12/16/2008	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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MARGER JOHNSON & MCCOLLOM, P.C.  
210 SW MORRISON STREET, SUITE 400  
PORTLAND OR 97204

In re Application of: JUNG et al.  
Application No. 11/938,432  
Filed: November 12, 07  
For: MEMORY CARD

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 22, 2008, and the request for reconsideration of adverse decision filed October 15, 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 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, and accordingly, the above-identified application has been accorded "special" status.

The request and petition are **GRANTED**.

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/

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Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



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[www.uspto.gov](http://www.uspto.gov)

**SAWYER LAW GROUP LLP**  
**2465 E. BAYSHORE ROAD, SUITE NO. 406**  
**PALO ALTO CA 94303**

**MAILED**

**MAR 17 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Miles Dudman :  
Application No. 11/938,438 : **DECISION ON PETITION**  
Filed: November 12, 2007 :  
Attorney Docket No. M226/4248P :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of replacement drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed December 14, 2007, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Karen Creasy  
Petitions Examiner  
Office of Petitions



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March 3, 2009

Sanders N. Hillis  
Brinks Hofer Gilson & Lione  
One Indiana Square  
Suite 1600  
Indianapolis, IN 46204

Patent No.: 7,476,870 B2  
Application No.: 11/938,440  
Inventor(s): Liane B. Hopaluk, et al.  
Issued: January 13, 2009  
Title: **METHODS OF FLUID IRRADIATION USING ULTRAVIOLET REFLECTING COMPOSITIONS**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.117(h) (currently \$130);**
- B.** a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C.** a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.



*In the Request*, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   Customer Service Window  
                              Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By fax:                   (571) 273-0025  
                              ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

**Virginia Tolbert**  
For Mary Diggs, Supervisor  
Decisions & Certificate of Correction Branch  
(703) 305-8309 or (703) **308-9390 ext 113**

vt



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March 3, 2009

Sanders N. Hillis  
Brinks Hofer Gilson & Lione  
One Indiana Square  
Suite 1600  
Indianapolis, IN 46204

Patent No.: 7,476,870 B2  
Application No.: 11/938,440  
Inventor(s): Liane B. Hopaluk, et al.  
Issued: January 13, 2009  
Title: METHODS OF FLUID IRRADIATION USING ULTRAVIOLET REFLECTING COMPOSITIONS

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp. 1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.117(h) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and**
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.**

*In the Request*, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:                    Mail Stop PETITIONS  
                                  Commissioner for Patents  
                                  Post Office Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                    Customer Service Window  
                                  Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

By fax:                     (571) 273-0025  
                                  ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

**Virginia Tolbert**  
For Mary Diggs, Supervisor  
Decisions & Certificate of Correction Branch  
(703) 305-8309 or (703) 308-9390 ext 113



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**BRINKS HOFER GILSON &  
LIONE/ALTICOR INDY  
CAPITAL CENTER, SUITE 1100  
201 NORTH ILLINOIS STREET  
INDIANAPOLIS IN 46204-4220**

**MAILED**

**MAY 20 2009**

**OFFICE OF PETITIONS**

In re Patent No. 7,476,870 :  
Issue Date: January 13, 2009 :  
Application No. 11/938,440 : **ON PETITION**  
Filed: November 12, 2007 :  
Attorney Docket No. 3086/1824 :

This is a decision on the petition filed April 20, 2009, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

  
Karen Creasy  
Petitions Examiner  
Office of Petitions

<sup>1</sup> See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/938,487	11/12/2007	Wayne M. Delia	FIS920070265US1	4087
29371	7590	12/05/2007	EXAMINER	
CANTOR COLBURN LLP - IBM FISHKILL 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			PYZOCHA, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2137	
			MAIL DATE	DELIVERY MODE
			12/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



Marc Balban  
Cantor Colburn LLP-IBM Yorktown  
55 Griffin Road South  
Bloomfield CT 06002

In re Application of:  
Wayne Delia et al.  
Serial No.: 11/938,487  
Filed: November 12, 2007  
Docket: FIS920070265US1  
For: **Method for Protecting Against Key  
Logging of User Information via an  
Alternative Input Device**

DECISION ON PETITION TO MAKE  
SPECIAL FOR NEW APPLICATION  
UNDER 37 C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on November 12, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

#### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions I 1-4, II 1-4 and II 5.1, 5.3, II 6.1, and 6.4-6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2 and II 6.2-6.3 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I)(H)<sup>1</sup> and items II.5.2 above, the preexamination search does not encompass all of the features of the claims, and does not appear to have given the claims the broadest reasonable interpretation.

Specifically, the text search strategy fails to include a reasonable number of synonyms for the terms keystroke logging and password and fails to include the following concepts: retrieving an user assigned password based on a temporary password, returning a password to a browser or inserting the returned password into the browsers entry field. Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary. Below is a suggested search strategy to address the above deficiencies that can be modified to fit all of the previously used databases.

(keystroke (key adj stroke) stroke) near (sniff\$4 captur\$4 log\$4 monitor\$4) and temporary with (password PIN authentication)  
temporary with (password PIN authentication) and browser near (ID identification)  
temporary with (password PIN authentication) and retriev\$4 with password with table  
(keystroke (key adj stroke) stroke) near (sniff\$4 captur\$4 log\$4) and (cookie SSO (single adj sign adj on)) (for returning a password to a browser)  
temporary with (password PIN) same text adj message

Finally, based upon the claimed subject matter of the instant application, a search in the following class and subclasses is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: Class 726 (Information Security) subclasses 6, 8 and 22 (access control through the use of credentials and monitoring for the prevention of attacks) for subject matter related to the use of temporary passwords in key logging. This additional search area was confirmed with an examiner in the pertinent art area.

With regard to the requirement of MPEP § 708.02(a)(I)(2-3) and items 6.2-6.3 above, the identification of limitations of the claims is improper as not all claim limitations have been discussed with respect to every reference cited and the language used to discuss patentability fails to discuss all references with respect to all claims. Petitioner must provide a detailed discussion of each of the identified references, identifying subject matter by way of figure, page, column and line numbers, as appropriate, as they pertain to ALL of the claim limitations of the instant application. The support document provides proper

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<sup>1</sup> MPEP 8<sup>th</sup> ed. rev 5 August 2006

discussion with respect to the Mannan reference but fails to discuss the Hewitt reference with respect to how claims 1 and 2 distinguish and what is actually taught.

### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612.



---

Tod R Swann  
Quality Assurance Specialist  
Technology Center 2100  
Computer Security, Architecture and Software  
571-272-3612



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/938,487	11/12/2007	Wayne M. Delia	FIS920070265US1	4087

29371 7590 01/24/2008  
CANTOR COLBURN LLP - IBM FISHKILL  
20 Church Street  
22nd Floor  
Hartford, CT 06103

EXAMINER
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PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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01/24/2008

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.



Marc Balban  
Cantor Colburn LLP-IBM Fishkill  
20 Church Street  
22<sup>nd</sup> Floor  
Hartford, CT 06103

In re Application of:	:	
Wayne Delia et al.	:	
Serial No.: 11/938,487	:	DECISION ON PETITION TO MAKE
Filed: November 12, 2007	:	SPECIAL FOR NEW APPLICATION
Docket: FIS20070265US1	:	UNDER 37 C.F.R. § 1.102 & M.P.E.P.
Title: <b>Method for Protecting Against Keylogging of User:</b>	:	§ 708.02
<b>Information via an Alternative Input Device</b>	:	

This is a decision on the renewed petition filed on January 3, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on November 12, 2007 was dismissed in the decision mailed on December 5, 2007.

The petition to make the application special is GRANTED as the new Support Document and the Pre-Examination Search Document meet the requirements of conditions II 5.2 and II 6.2-6.3.

The support document now provides a proper discussion of the each of the references cited as to how they pertain to all of the claims including what features are taught and where they are taught and how the claims distinguish from the cited reference. The new Examination Search Document fulfills the search requirements and is now proper.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323) as the original identified deficiencies for failing to comply with the requirements for the pre-examination search encompassing all of the features of the claims, and giving the claims the broadest reasonable interpretation, the statement of patentability must provide a detailed explanation of how each of the claims are patentable and the concise statement of the utility must be of the invention as defined in each of the independent claims (reference must be made to independent claims 1, 14 and 20) have been corrected.

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612.



---

Tod R Swann  
Quality Assurance Specialist  
Technology Center 2100  
Computer Security, Architecture and Software  
571-272-3612



VISTA IP LAW GROUP, LLP  
2040 MAIN STREET  
9TH FLOOR  
IRVINE, CA 92614

**COPY MAILED**

**OCT 01 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Kerry Bradley, et al.. :  
Application No. 11/938,490 : **DECISION ON PETITION**  
Filed: November 12, 2007 : **TO WITHDRAW**  
Attorney Docket No. 05-00989-05 : **FROM RECORD**  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 15, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 to withdraw less than all attorneys appointed by customer number 23410 cannot be approved. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest who appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

A handwritten signature in black ink, appearing to read "April M. Wise". The signature is written in a cursive, flowing style.

April M. Wise  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/938,497	11/12/2007	Akio MATSUSHITA	074782-0033	4109

53080 7590 03/20/2008  
MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, NW  
WASHINGTON, DC 20005-3096

EXAMINER

NGUYEN, HOANG V

ART UNIT	PAPER NUMBER
2821	

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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McDERMOTT, WILL & EMEY LLP  
600 Thirteenth Street, N.W.  
Washington, DC 20005-3096

In re Application of	:	
Akio MATSUSHITA, et al.	:	DECISION ON REQUEST TO
Application No. 11/938,497	:	PARTICIPATE IN PATENT
Filed: 11/12/2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 074782-0033	:	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 26 February 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).

**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.

Regarding items (5) and (6) above, a review of the file wrapper of JPO application JP 2007-529300 via Dossier Access System indicates that there are no JPO office actions other than "Decision to Grant a Patent," and consequently, there are no documents cited by the JPO examiner in the JPO office action for the above identified JPO application. Hence, the above-identified application complies with requirements (5) and (6), above.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://uspto.gov/ebc/index.html>.

Michael Day  
TQAS  
Technology Center 2800- Semiconductors,  
Electrical & Optical Systems & Components

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 12/16/09

TO SPE OF : ART UNIT 2827

SUBJECT : Request for Certificate of Correction for Appl. No.: 11938516 Patent No.: 7609583

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)  
Randolph Square 9D40-D  
Palm Location 7580**

**You can fax the Directors/SPE response to 571-270-9990**

*Lamonte Newsome*

Certificates of Correction Branch

703-756-1574

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

Comments: The corrections are O.K. /TNT/  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**SPE**

**Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: \_\_\_\_\_

DATE : 12/16/09

TO SPE OF : ART UNIT 2827

SUBJECT : Request for Certificate of Correction for Appl. No.: 11938516 Patent No.: 7609583

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)  
Randolph Square 9D40-D  
Palm Location 7580**

**You can fax the Directors/SPE response to 571-270-9990**

*Lamonte Newsome*

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

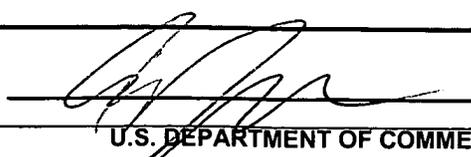
Comments: \_\_\_\_\_

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 2827



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PIIONEER HI-BRED INTERNATIONAL INC.  
7250 NW 62ND AVENUE  
PO BOX 552  
JOHNSTON, IA 50131-0552

Mail Date: 04/21/2010

<b>Applicant</b>	: LOREN JOHN HOFFBECK	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7592522	: RECALCULATION OF PATENT
<b>Issue Date</b>	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/938,594	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **53** 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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**MCHALE & SLAVIN, P.A.**  
**2855 PGA BLVD**  
**PALM BEACH GARDENS FL 33410**

**COPY MAILED**  
**JAN 11 2008**  
**OFFICE OF PETITIONS**

In re Application of	:	
John R. Rahon	:	
Application No. 11/938,597	:	DECISION ON PETITION
Filed: November 12, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 3211U.001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 13, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the applicant, that he is older than 65 years. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Carl Friedman at 571-272-6842.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

  
David Bucci  
Petitions Examiner  
Office of Petitions



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Paper No.

BLAKELY SOKOLOFF  
TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

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**SEP 30 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Yuko Nishikawa, Seth Hill :  
Nick Colsey, Rajesh Rao and :  
Rolf Toft : DECISION REFUSING STATUS  
Application No. 11/938,660 : UNDER 37 C.F.R. § 1.47(a)  
Filed: November 12, 2007 :  
Attorney Docket No. 80398P705 :

This is a decision on the PETITION UNDER 37 C.F.R. §1.47(a) filed April 3, 2008.

The petition under 1.47(a) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on November 12, 2007, with a declaration missing the signature of inventor Toft. No petition under 37 CFR 1.47(a) accompanied this declaration. Accordingly, on April 3, 2008, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring the signature of inventor Toft on an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed the surcharge under § 1.16(1); and the instant petition under § 1.47(a) (and fee). This response was made timely by an accompanying petition and fee for extension for response within the second month. Applicants request acceptance of the declaration without the signature of inventor Toft stating that inventor Toft cannot be found or reached after diligent effort.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Requirements (3) and (4) have been satisfied. The petition includes the required petition fee of \$200 and a statement of the last known address of the non-signing inventor.

Further evidence is needed to satisfy requirement (1). Applicants state that inventor Toft cannot be found or reached after diligent effort. However, applicants submit a declaration of facts by William Jaffe and supporting documentary evidence that the application papers were presented to someone at the last known address of inventor Toft. Specifically, a letter dated March 5, 2008 transmitting the application papers by certified mail was sent to his address. However, the signed certified mail receipt does not appear to be signed by inventor Toft. This discrepancy in signature coupled with applicants' assertion that inventor Toft cannot be found or reached after diligent effort raises the question whether this letter was actually received at an address where inventor Toft resides.

Unless the application papers were received by inventor Toft, it cannot be inferred that the failure to respond to the letter constitutes a refusal by inventor Toft to join in the application. Thus, on renewed petition, further evidence is required to show that inventor Toft resides at the address to which the application papers mailed March 5, 2008 were directed.

Furthermore, the signature of the unidentified party on the certified mail receipt does not establish that inventor Toft

cannot be found or reach after diligent effort. The petition fails to include adequate proof of diligent efforts to locate inventor Toft. The petition does not demonstrate that sufficient efforts were made to find or reach inventor Toft. There is no showing that searches were made utilizing the internet or public records to verify the address of inventor Toft. As stated in MPEP 409.03(d):

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. See MPEP 409.03(d).

On renewed petition, if applicants continue to assert that inventor Toft cannot be found or reached, such a statement of facts must be supplied along with sufficient documentary evidence of the diligent efforts undertaken to find or reach inventor Toft. Those efforts must be reasonably calculated to find or reach inventor Toft.

In addition, the petition does not satisfy requirement (2). The declaration submitted is not acceptable. It is permissible for the inventors to sign separate declarations. Nonetheless, as stated in MPEP 605.04(a), 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. Accordingly, applicants must submit to the Office each declaration in its entirety and not just the signature pages of some. In this instance, applicants have submitted pages 1 and 2

of one declaration and 3 separate signature pages for the inventors. On renewed petition, all 3 declarations in their entirety must be submitted.

Thus, on renewed petition,

- further evidence is required to show that inventor Toft resides at the address to which the application papers mailed March 5, 2008 were directed, or
- if applicants continue to assert that inventor Toft cannot be found or reached, a statement of the exact facts must be supplied along with sufficient documentary evidence of the diligent efforts undertaken to find or reach inventor Toft; and
- all 3 declarations in their entirety as executed by the inventors must be submitted (However, there is no need to resubmit the attached specification).

No fee is required for consideration on the merits of the renewed petition.

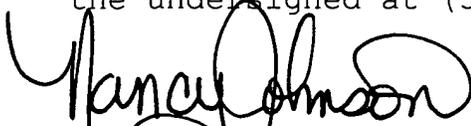
Further correspondence with respect to this matter should be addressed as follows:

By mail:            Mail Stop Petition  
                         Commissioner for Patents  
                         P.O. Box 1450  
                         Alexandria, VA 22313-1450

By FAX:            (571) 273-8300  
                         Attn: Office of Petitions  
                         ATTN: NANCY JOHNSON

By hand:           Customer Service Window  
                         Randolph Building  
                         401 Dulany Street  
                         Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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COMMISSIONER FOR PATENTS  
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Paper No.

BLAKELY SOKOLOFF  
TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

**MAILED**

**FEB 02 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Yuko Nishikawa, Seth Hill :  
Nick Colsey, Rajesh Rao and : DECISION NOTING JOINDER  
Rolf Toft : OF INVENTOR AND PETITION  
Application No. 11/938,660 : UNDER 37 CFR 1.47(a) MOOT  
Filed: November 12, 2007 :  
Attorney Docket No. 80398P705 :

This is in response to the REQUEST FOR DISMISSAL OF PETITION UNDER 37 CFR 1.47(a) filed December 1, 2008. This decision is made in light of the RESPONSE TO DECISION and executed declarations filed January 29, 2009.

The petition under 1.47(a) is **DISMISSED AS MOOT**.

The above-identified application was filed on November 12, 2007, with a declaration missing the signature of inventor Toft. In response to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)" mailed December 4, 2007, on April 3, 2008, applicants filed the initial petition under 37 CFR 1.47. By decision mailed September 30, 2008, the petition was dismissed for failure to make an adequate showing that inventor Toft could not be found or reached after diligent effort and on the basis that the declarations submitted were not acceptable. The decision set a two-month period to file a request for reconsideration, with extensions of time obtainable under § 1.136(a).

On December 1, 2008, applicants filed a request to dismiss the petition as moot on the basis that applicants had obtained the signature of the non-signing inventor. This request was accompanied by a declaration for patent executed by inventor Toft. However, the defect in the declaration pages filed

November 12, 2007 was not cured. On or about December 15, 2008, the undersigned telephoned applicants and reminded them of this deficiency (i.e., although an applicant may execute separate declarations, applicant must submit to the Office each declaration as signed by the inventor in its entirety).

On January 29, 2008, applicants responded with an extension of time and copies of the executed declarations in their entireties.

The declarations have been reviewed and found in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

This application will be examined in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE 4/1/09

Paper No.: \_\_\_\_\_

TO SPE OF ART UNIT 1793

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/938665 Patent No.: 7494625B2

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)**  
South Tower - 9A22  
Palm Location 7580

*Virginia Tolbert*  
Certificates of Correction Branch  
703-308-9390 ext. 113

**Thank You For Your Assistance**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Stanley Johnson*  
SPE

1793  
Art Unit



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Alexandria, VA 22313-1450  
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TOWNSEND AND TOWNSEND AND CREW, LLP  
(CLIENT NO 021629-000000)  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO, CA 94111-3834

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**DEC 10 2008**

In re Application of :  
Sunimi Chew, et al. :  
Application No. 11/938,730 : **ON PETITION**  
Filed: November 12, 2007 :  
Attorney Docket No. 021629-000410US :

This is a decision on the petition under 37 CFR 1.137(b), filed September 17, 2008, to revive the above-identified application.

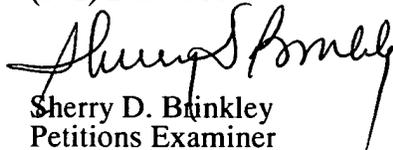
The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed December 11, 2007, requiring replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 12, 2008. A Notice of Abandonment was mailed on August 20, 2008. On September 17, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay<sup>1</sup>.

The application is being referred to the Office of Patent Application Processing (OPAP) for review of the drawings provided September 17, 2008.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.



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MINNEAPOLIS, MN 55440-1022

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OCT 14 2008

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Brett Schleicher, et al.	:	
Application No. 11/938,740	:	DECISION ON PETITION
Filed: November 12, 2007	:	TO WITHDRAW
Attorney Docket No. 23845-010001/07-00195-01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, “ownership transfer of listed patents and patent applications”, does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/April M. Wise/  
April M. Wise  
Petitions Examiner  
Office of Petitions



BAKER BOTTS LLP  
C/O INTELLECTUAL PROPERTY DEPARTMENT  
THE WARNER, SUITE 1300  
1299 PENNSYLVANIA AVE, NW  
WASHINGTON DC 20004-2400

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JUN 16 2008

**OFFICE OF PETITIONS**

In re Application of :  
KURAMOTO and YAMADA : DECISION ACCORDING STATUS  
Application No. 11/938,741 : UNDER 37 CFR 1.47(a)  
Filed: 11/12/2007 :  
Attorney Docket No. 076376.0875 :  
Title: RADIO-FREQUENCY TAG :  
COMMUNICATION SYSTEM :

This is in response to the petition under 37 CFR 1.47(a), filed May 21, 2008. Petitioners obtained an extension of time for response within the fourth month. Accordingly, the petition is filed timely.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioners showed that Katsuyuki Kuramoto, the non-signing inventor, constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, Kazuya Nishimura stated that he sent a package via certified mail to Katsuyuki Kuramoto at his last known address, which included the above-captioned patent application, a Declaration and Power of Attorney and Assignment documents for execution by Mr. Kuramoto. Mr. Nishimura asserted that Mr. Kuramoto refused to accept delivery of the package.

The above-identified application and papers have been reviewed and are in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being referred to the Office of Patent Application Processing.

Inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

*Christina P. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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Katsuyuki Kuramoto  
7-12838-25, Nango  
Chigasaki-Shi, Kanagawa-Ken  
Japan, 253-0061

**COPY MAILED**  
**JUN 16 2008**  
**OFFICE OF PETITIONS**

In re Application of :  
KURAMOTO and YAMADA :  
Application No. 11/938,741 : LETTER  
Filed: 11/12/2007 :  
Attorney Docket No. 076376.0875 :  
Title: RADIO-FREQUENCY TAG :  
COMMUNICATION SYSTEM :

Dear Mr. Kuramoto:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the

application, or a specific paper in the application should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

*Christina T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

BAKER BOTTS LLP  
C/O INTELLECTUAL PROPERTY DEPARTMENT  
THE WARNER, SUITE 1300  
1299 PENNSYLVANIA AVE, NW  
WASHINGTON DC 20004-2400



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STEPTOE & JOHNSON, LLP  
2121 AVENUE OF THE STARS  
SUITE 2800  
LOS ANGELES CA 90067

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SEP 15 2008

**OFFICE OF PETITIONS**

In re Application of :  
PATEL et al. :  
Application No. 11/938,746 : DECISION ON PETITION  
Filed: November 12, 2007 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 83336.1648 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 2, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed non-provisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference

statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b). Additionally, the 10/751,006 application does not appear to disclose the invention claimed in at least one claim of the instant application in the manner provided by the first paragraph of 35 U.S.C. 112, as required by 37 CFR 1.78 (a)(1).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

The rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office. There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
                              Post Office Box 1450  
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                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By fax:                   (571) 273-8300  
                              ATTN: Office of Petitions

Any questions concerning this matter may be directed to Ramesh Krishnamurthy at (571) 272 - 4914.

  
David Bucci  
Petitions Examiner  
Office of Petitions



STEPTOE & JOHNSON, LLP  
2121 AVENUE OF THE STARS  
SUITE 2800  
LOS ANGELES CA 90067

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DEC 30 2008

OFFICE OF PETITIONS

In re Application of	:
Patel et al.	:
Application No. 11/938,746	: DECISION ON PETITION
Filed: November 12, 2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 83336.1648	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed September 30, 2008, and supplemented on December 11, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the**

**benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Ramesh Krishnamurthy at (571) 272-4914. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3714 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.



Anthony Knight  
Supervisor  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 11/938,746, 11/12/2007, 3714, 2430, 83336.1648, 37, 5

CONFIRMATION NO. 4645

CORRECTED FILING RECEIPT



66880
STEPTOE & JOHNSON, LLP
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES, CA 90067

Date Mailed: 12/30/2008

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)

- Pravinkumar Patel, Las Vegas, NV;
Robert W. Crowder Jr., Las Vegas, NV;
Bryan M. Kelly, Alamo, CA;
John E. Link, Manteca, CA;
Anthony E. Green, Henderson, NV;
Mettu Ramakrikshna, Las Vegas, NV;

Assignment For Published Patent Application

BALLY GAMING, INC., Las Vegas, NV

Power of Attorney: None

Domestic Priority data as claimed by applicant

- This application is a CON of 10/751,006 12/31/2003
which is a CON of 09/433,523 11/03/1999 PAT 6,758,755
which is a CIP of 09/040,654 03/17/1998 PAT 6,007,426
which is a CON of 08/746,755 11/14/1996 PAT 5,816,918

Foreign Applications

If Required, Foreign Filing License Granted: 12/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/938,746

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

GAMING BROWSER MANAGER CLIENT SYSTEM AND METHOD

**Preliminary Class**

463

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Renewed Petition to Correct Unintentionally Delayed Benefit Claim  
under 37 CFR 1.78(a) and 35 USC 120

First named inventor: PATEL, Pravinkumar  
Docket Number: 83336.1648  
Application No.: 11/938,746  
Filed: November 12, 2007  
Art Unit: 3714  
Examiner: THAI, Xuan Marian  
Title: GAMING BROWSER MANAGER CLIENT SYSTEM AND METHOD

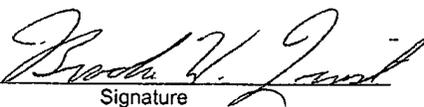
Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (571) 273-8300

Applicant petitions to correct a benefit claim under 35 USC § 120 and 37 CFR 1.78(a) which was unintentionally delayed. In support of the petition, Applicant hereby includes the following in support of this petition:

- (1) A proper reference (amendment) as required by 35 CFR 1.78;
- (2) Statement that the entire delay between the date and the claim was due under 35 USC 120 and 37 CFR 1.78(a) and the date that the claim was corrected was unintentional.

1. The reference (amendment) as required by 35 CFR 1.78 is attached hereto in the form of (1) a Preliminary Amendment to the Cross-reference to Related Applications section correcting the benefit claim and (2) a Supplemental Application Data Sheet correcting the benefit claim.

2. STATEMENT. The entire delay between the date the claim was due under 35 USC 120 and 37 CFR 1.78 (a) and the date that the claim was corrected was unintentional.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
09/30/2008  
Date

\_\_\_\_\_  
Brooke W. Quist  
Typed or Printed

\_\_\_\_\_  
45,030  
Registration Number

\_\_\_\_\_  
Steptoe & Johnson LLP  
Address

\_\_\_\_\_  
(310) 734-3200  
Telephone Number

\_\_\_\_\_  
2121 Avenue of The Stars, Los Angeles, CA 90067  
Address

**Amendment to the Specification:**

Please replace paragraph [0001] with the following amended paragraph:

**CROSS-REFERENCE TO RELATED APPLICATIONS**

[0001] This application is a continuation of U.S. Patent Application No. 10/751,006 ~~09/915,929~~ filed December 31, 2003 ~~July 26, 2001~~, which is a continuation of U.S. Patent Application No. 09/433,523 ~~09/433,516~~ filed November 3, 1999, now U.S. Patent No. 6,758,755 ~~6,645,068~~ issued July 6, 2004 ~~November 11, 2003~~, which is a continuation-in-part of U.S. Patent Application No. 09/040,654 filed March 17, 1998, now U.S. Patent No. 6,007,426 issued December 28, 1999, which is a continuation of U.S. Patent Application No. 08/746,755 filed November 14, 1996, now U.S. Patent No. 5,816,918 issued October 6, 1998.

**REMARKS**

The "Cross-Reference To Related Applications" section has been amended to correct an error in the priority claim chain. The present application, 11/938,746, is now properly listed as a continuation of U.S. Patent Application No. 10/751,006 filed December 31, 2003, which is a continuation of U.S. Patent Application No. 09/433,523 filed November 3, 1999, now U.S. Patent No. 6,758,755 issued July 6, 2004. The actual priority date, November 14, 1996, was correctly identified at the time of filing from U.S. Patent Application No. 08/746,755, filed November 14, 1996, now U.S. Patent No. 5,816,918 issued October 6, 1998; however, an error occurred in the priority claim chain that required this correction.

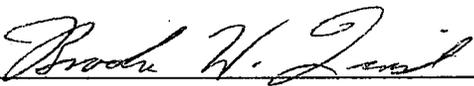
**CONCLUSION**

No fee is believed to be due with the submission of this paper. However, if the Applicants are mistaken, the Commissioner is hereby authorized to charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

Date: September 30, 2008

  
\_\_\_\_\_  
Brooke W. Quist  
Reg. No. 45,030  
STEPTOE & JOHNSON LLP  
2121 Avenue of the Stars  
Suite 2800  
Los Angeles, CA 90067  
Tel 310.734.3200  
FAX 310.734.3300

# Continuity/Reexam Information for 10/751006

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## Parent Data

10751006, filed 12/31/2003 and having 1 RCE-type filing therein  
is a continuation of 09433523, filed 11/03/1999 and having 1 RCE-type filing therein  
Which is a continuation of 08746755, filed 11/14/1996  
Which is a continuation in part of 09040654, filed 03/17/1998

## Child Data

11982156, filed on 10/31/2007 is a continuation of 10751006, filed on 12/31/2003 and having 1 RCE-type filing therein  
11982157, filed on 10/31/2007 is a continuation of 10751006, filed on 12/31/2003 and having 1 RCE-type filing therein  
11982236, filed on 10/31/2007 is a continuation of 10751006, filed on 12/31/2003 and having 1 RCE-type filing therein  
11981883, filed on 10/31/2007 is a continuation of 10751006, filed on 12/31/2003 and having 1 RCE-type filing therein  
11982114, filed on 10/31/2007 is a continuation of 10751006, filed on 12/31/2003 and having 1 RCE-type filing therein  
11982023, filed on 10/31/2007 is a continuation of 10751006, filed on 12/31/2003 and having 1 RCE-type filing therein  
11467900, filed on 08/28/2006 is a continuation of 10751006, filed on 12/31/2003 and having 1 RCE-type filing therein  
12267477, filed on 11/07/2008 is a continuation in part of 10751006, filed on 12/31/2003 and having 1 RCE-type filing therein  
12267452, filed on 11/07/2008 is a continuation in part of 10751006, filed on 12/31/2003 and having 1 RCE-type filing therein  
11467893, filed on 08/28/2006 is a continuation of 10751006, filed on 12/31/2003 and having 1 RCE-type filing therein  
11982216, filed on 10/31/2007 is a continuation of 10751006, filed on 12/31/2003 and having 1 RCE-type filing therein

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or Patent# \_\_\_\_\_

PCT / \_\_\_\_\_ / \_\_\_\_\_

or PG PUBS # \_\_\_\_\_

Attorney Docket # \_\_\_\_\_

Bar Code # \_\_\_\_\_

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# Continuity/Reexam Information for 09/040654

---

## Parent Data

09040654, filed 03/17/1998

is a continuation of 08746755, filed 11/14/1996

Which is a continuation in part of 08628490, filed 04/05/1996

## Child Data

10045533, filed on 10/23/2001 and having 1 RCE-type filing therein, is a continuation in part of 09040654, filed on 03/17/1998

11982214, filed on 10/31/2007 is a continuation in part of 09040654, filed on 03/17/1998

11938746, filed on 11/12/2007 is a continuation in part of 09040654, filed on 03/17/1998

11982138, filed on 10/31/2007 is a continuation in part of 09040654, filed on 03/17/1998

09433516, filed on 11/03/1999 and having 1 RCE-type filing therein, is a continuation in part of 09040654, filed on 03/17/1998

09433523, filed on 11/03/1999 and having 1 RCE-type filing therein, is a continuation in part of 09040654, filed on 03/17/1998

09433524, filed on 11/03/1999 and having 1 RCE-type filing therein, is a continuation in part of 09040654, filed on 03/17/1998

09433813, filed on 11/03/1999 is a continuation in part of 09040654, filed on 03/17/1998

09433828, filed on 11/03/1999 is a continuation in part of 09040654, filed on 03/17/1998

09433839, filed on 11/03/1999 is a continuation in part of 09040654, filed on 03/17/1998

09915929, filed on 07/26/2001 is a continuation in part of 09040654, filed on 03/17/1998

10751006, filed on 12/31/2003 and having 1 RCE-type filing therein, is a continuation in part of 09040654, filed on 03/17/1998

09497363, filed on 02/03/2000 and having 1 RCE-type filing therein, is a continuation in part of 09040654, filed on 03/17/1998

10172771, filed on 06/13/2002 is a continuation in part of 09040654, filed on 03/17/1998

11277339, filed on 03/23/2006 is a continuation in part of 09040654, filed on 03/17/1998

11277342, filed on 03/23/2006 is a continuation in part of 09040654, filed on 03/17/1998

11463793, filed on 08/10/2006 is a continuation in part of 09040654, filed on 03/17/1998

11981883, filed on 10/31/2007 is a continuation in part of 09040654, filed on 03/17/1998

11982114, filed on 10/31/2007 is a continuation in part of 09040654, filed on 03/17/1998

11982023, filed on 10/31/2007 is a continuation in part of 09040654, filed on 03/17/1998

11982157, filed on 10/31/2007 is a continuation in part of 09040654, filed on 03/17/1998

11982156, filed on 10/31/2007 is a continuation in part of 09040654, filed on 03/17/1998

11982236, filed on 10/31/2007 is a continuation in part of 09040654, filed on 03/17/1998

11467900, filed on 08/28/2006 is a continuation in part of 09040654, filed on 03/17/1998

12267452, filed on 11/07/2008 is a continuation in part of 09040654, filed on 03/17/1998

12267477, filed on 11/07/2008 is a continuation in part of 09040654, filed on 03/17/1998

11467893, filed on 08/28/2006 is a continuation in part of 09040654, filed on 03/17/1998

11982216, filed on 10/31/2007 is a continuation in part of 09040654, filed on 03/17/1998

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Atty/Agent Info

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PILLSBURY WINTHROP SHAW PITTMAN LLP  
ATTENTION: DOCKETING DEPARTMENT  
P.O BOX 10500  
McLean VA 22102

In re Application of :  
Claudio D. Schteingart et al : DECISION ON PETITION TO MAKE  
Serial No.: 11/938,771 : SPECIAL FOR NEW APPLICATION  
Filed: November 12, 2007 : UNDER 37 C.F.R. § 1.102 & M.P.E.P.  
Attorney Docket No.: 016408-0366302 : § 708.02

This is a decision on the petition filed November 12, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

##### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

##### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

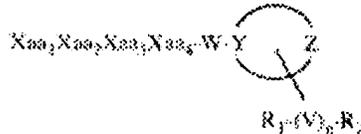
6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I.1- II.4 above are considered to have been met. However, the petition fails to comply with conditions II.5-6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

A review of the Pre-examination Search Document appears to show that it is incomplete. There is no listing of US Classes and subclasses searched, such as 530/388.2, 323, 330, and 514/323 and others which should have been searched as well as the US Patents database. In addition, the searches conducted are directed to specific structures, as shown in the document, whereas the claims are directed to a peptide of the formula



Thus it is not clear that the search is directed to the claims or claimed structure, per se. It also does not appear that all of the moieties for the structure shown in claim 11 have been searched. It further appears that only structures were searched and not terms associated with claims 14-20, such as kappa opioid receptor and methods of treatment of mentioned conditions, etc. Thus the search strategy is also deficient.

In view of the above deficiencies the Pre-examination Search and likely the Pre-examination Support Document are defective or incomplete and need to be revised or updated.

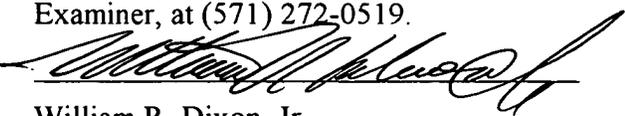
## DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to William R. Dixon, Jr., Special Program Examiner, at (571) 272-0519.



William R. Dixon, Jr.  
Special Program Examiner  
Technology Center 1600



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/938,771                      11/12/2007                      Claudio D. Scheingart                      016408-0366302                      4690

27500                      7590                      03/18/2008  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
ATTENTION: DOCKETING DEPARTMENT  
P.O BOX 10500  
McLean, VA 22102

EXAMINER
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ART UNIT	PAPER NUMBER
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1646

MAIL DATE	DELIVERY MODE
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03/18/2008                      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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**MAR 18 2008**

PILLSBURY WINTHROP SHAW PITTMAN LLP  
12255 El Camino Real, Suite 300  
San Diego, CA 92130

In re Application of :  
Claudio D. Schteingart et al : DECISION ON PETITION TO MAKE  
Serial No.: 11/938,771 : SPECIAL FOR NEW APPLICATION  
Filed: November 12, 2007 : UNDER 37 C.F.R. § 1.102 & M.P.E.P.  
Attorney Docket No.: 016408-0366302 : § 708.02

This is a decision on the renewed petition filed January 10, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in an agreement that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a Final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the Final Office action, applicant must: 1) promptly file a Notice of Appeal, an Appeal Brief and Appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after Final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a Final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Dave Nguyen, TCAED TC1600, at (571) 272-0731.

  
\_\_\_\_\_  
Dave Nguyen  
TCAED  
Technology Center 1600



Lorri Schneider  
30377 Rock Creek Dr  
Southfield MI 48076

**MAILED**

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Lorri-Anne Schneider	:	
Application No. 11/938,836	:	DECISION ON PETITION
Filed: November 13, 2007	:	
Attorney Docket No. WDS-3490	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 10, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 12, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. A three month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 13, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of oath or declaration and surcharge fee, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing.



Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/938,858	11/13/2007	Mark D. Plucinski	ROC920070499US1	4850
59452	7590	03/07/2008	EXAMINER	
CANTOR COLBURN LLP - IBM ROCHESTER DIVISION			CHAMBERS, TRAVIS SLOAN	
20 Church Street			ART UNIT	PAPER NUMBER
22nd Floor			2833	
Hartford, CT 06103			MAIL DATE	DELIVERY MODE
			03/07/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



CANTOR COLBURN LLP - IBM ROCHESTER DIVISION  
20 Church Street, 22nd Floor  
Hartford, CT 06103

MAR -7 2008

In re Application of:	:	
PLUCINSKI <i>et al.</i>	:	DECISION ON PETITION TO
Serial No.: 11/938,858	:	MAKE SPECIAL FOR NEW
Filed: November 13, 2007	:	APPLICATION UNDER 37
Title: <b>STACKED MULTIPLE ELECTRONIC</b>	:	C.F.R. § 1.102 & M.P.E.P. §
<b>COMPONENT INTERCONNECT</b>	:	708.02
<b>STRUCTURE</b>	:	

This is a decision on the petition filed on November 13, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;
  - 5.3. encompass the disclosed features that may be claimed.
  6. must provide in support of the petition an accelerated examination support document.
- An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

### REVIEW OF FACTS

The conditions I.1-4; II.1-6.4 and 6.6, above are considered to have been met. However, the petition fails to comply with conditions II.6.5, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of II. 6.5, the examination support document is required to provide a showing of where **each limitation** of the application claims finds support under 35 USC 112, first paragraph, in the written description of the specification. Petitioner neither clearly shows support for each limitation, nor is it pointed out in the written description of the specification. For these reasons, the petition does not meet the requirements of II. 6.5, as set forth above.

### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Clayton E. LaBalle, Special Program Examiner, at (571) 272-1594.

  
\_\_\_\_\_  
Clayton E. LaBalle  
Special Program Examiner  
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/938,858	11/13/2007	Mark D. Plucinski	ROC920070499US1	4850

59452                      7590                      06/23/2008  
CANTOR COLBURN LLP - IBM ROCHESTER DIVISION  
20 Church Street  
22nd Floor  
Hartford, CT 06103

EXAMINER

CHAMBERS, TRAVIS SLOAN

ART UNIT                      PAPER NUMBER

2833

MAIL DATE                      DELIVERY MODE

06/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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FROM DIRECTOR'S OFFICE

DEC 04 2007

TECHNOLOGY CENTER 3600

CANTOR COLBURN LLP-IBM POUGHKEEPSIE  
55 GRIFFIN ROAD SOUTH  
BLOOMFIELD, CT. 06002

In re application of: : **DECISION ON PETITION**  
Andrea Schmitz : **TO MAKE SPECIAL FOR**  
Application No. 11/938,879 : **NEW APPLICATION**  
Filed: November 13, 2007 : **UNDER 37 CFR 1.102**

For: **METHOD OF DERIVING A BUSINESS PROCESS FROM A SET OF PATHS**

This is a decision on the petition filed on November 13, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. **Restriction Practice:**

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue

fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

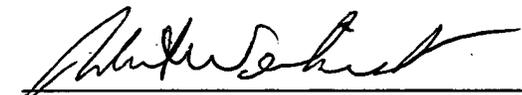
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.



Robert A. Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/jm: 12/4/07



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**NEXSEN PRUET, LLC**  
**P.O. BOX 10648**  
**GREENVILLE SC 29603**

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**JUL 23 2008**

In re Application of  
Yuri Freeman et al  
Application No. 11/938,896  
Filed: November 13, 2007  
Attorney Docket No. 31433-261

**OFFICE OF PETITIONS**

DECISION ON PETITION

This is a decision on the request filed July 3, 2008 which is being treated as a petition under 37 CFR 1.181 (no fee), filed July 3, 2008, requesting refund of the filing fee for the above-identified application.

The petition is Granted in part.

Petitioner asserts that the instant application was an unintended duplicate filing via EFS-Web.

37 CFR 1.26(a) states, in part: "The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee."

However, the Office may find a mistake pursuant to 37 CFR 1.26, waive the presumption in 37 CFR 1.26 that applications are not entitled to filing fee refunds, and refund the filing fees associated with unintended duplicate application filings via EFS-Web when the following conditions have been met:

- (1) Applicant must certify that they had filed the duplicate application(s) prior to receiving appropriate confirmation from the Office that the initial application filing via EFS-Web was received by the Office;
- (2) the request for a refund must be filed within three months from the filing date of the first application receiving an appropriate acknowledgement;

- (3) the request must include a statement which attests on a personal knowledge basis or to the satisfaction of the Director that the duplicate application was intended to be the original application;
- (4) the duplicate application must have been filed via EFS-Web on or after March 16, 2006;
- (5) the request must list the other application(s) of which the instant application is deemed to be a "duplicate"; and
- (6) the request should include a statement of express abandonment of the instant application as it was filed in error.

When the above conditions have been met, the Office will generally accept the statement as an assertion that the duplicate application was filed by mistake without requiring further information.

The instant petition lacks items (2) above.

Accordingly, the petition for refund of a duplicate filing fee under 37 CFR 1.181 cannot be granted at this time.

However, the request to expressly abandon the above application will also be construed as a: "Petition For Express Abandonment Under 37 CFR 1.138(d) to Obtain a Refund." Therefore, the search fee will be credited to deposit account no. 08-0719 as authorized.

Accordingly, this application is being referred to the Data Management for express abandonment of the subject application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.



Karen Creasy  
Petitions Examiner  
Office of Petitions



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TEXAS INSTRUMENTS INCORPORATED  
P O BOX 655474, M/S 3999  
DALLAS, TX 75265

Mail Date: 05/06/2010

**Applicant** : Lee D. Whetsel : DECISION ON REQUEST FOR  
**Patent Number** : 7617430 : RECALCULATION of PATENT  
**Issue Date** : 11/10/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/938,923 : 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 **13** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Paper No.

WESTERMAN, HATTORI, DANIELS &  
ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON DC 20036

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**JUN 18 2008**

In re Application of :  
Wang et al. :  
Application No. 11/938,956 : DECISION ON PETITION  
Filed: November 13, 2007 :  
Atty Docket No. 072470 :

This is in response to the RESPONSE TO NOTICE OF OMITTED ITEM(S)" filed December 28, 2007, which is properly treated as a petition under 37 CFR §1.53(e)(2), requesting review of the "Notice of Omitted Items in a Nonprovisional Application" mailed November 28, 2007.

Application papers in the above-identified application were filed on November 13, 2007. However, on November 28, 2007, the Office mailed applicants a "Notice of Omitted Item(s) in a Nonprovisional Application." Applicants were notified that the application papers had been accorded a filing date; however, Figure O described in the specification appeared to have been omitted.

In reply, applicants timely filed the instant petition, asserting that Fig. "O" appears as Fig. 10 immediately after Fig. 9 in the PAIR records. Accordingly, applicants maintain that the application was complete as originally filed.

A review of the image file wrapper of the application confirms that Fig. 10 was present in the application on filing. Further, a review of the specification confirms that the brief description of drawings refers to "Fig. 10" and not to "Fig. O."

Thus, it is concluded that the application as originally filed was complete. No drawing figure described in the specification was missing. The Notice mailed November 28, 2007 was mailed in error and is hereby withdrawn.

The petition is GRANTED.

Given the basis for granting the petition, the petition fee is subject to refund. Accordingly, although authorized, no petition fee is being charged to the Deposit Account.

This application is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing with a filing date of November 13, 2007, using the drawings received on that date (including Fig. 10).

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", written in a cursive style.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



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P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

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NOV 12 2008

**OFFICE OF PETITIONS**

ON PETITION

In re Application of :  
Wiebe De Haan :  
Application No. 11/938,971 :  
Filed: November 13, 2007 :  
Attorney Docket No. NL010708-2 :

This is a decision on the petition under 37 CFR 1.137(b), filed on September 11, 2008, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Notice to File Missing Parts of Nonprovisional Application, mailed December 21, 2007. A Notice of Abandonment was mailed on September 3, 2008.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Edward W. Goodman appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$510 for the search fee, \$210 for the examination fee, \$100 for additional claims, and a \$130 surcharge; (2) the petition fee of \$1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions



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Cantor Colburn LLP-IBM Europe  
20 Church Street  
22nd Floor  
Hartford CT 06103

**DEC 31 2007**  
DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

In re Application of:  
Carl BINDING, et al.  
Serial No.: 11/939,093  
Filed: November 13, 2007

Title: **LOW-RATE WIRELESS PERSONAL AREA  
NETWORK SYSTEM FOR TRACKING  
CONTAINERS**

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on November 13, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2 and 5.3, 6.2 and 6.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/subclasses: 370/ 254, 310, and 351.

Please note that any request for reconsideration must include an updated Information Disclosure Statement citing any newly found relevant prior art and an updated Accelerated Examination Support Document (AESD) meeting all of requirements 6.1 – 6.6 for any documents uncovered by the new search(es) as required above.

In regard to the requirement in item 6.2 above, petitioner discussions pertinent teachings of each cited reference, but fails to provide a clear identification of **each** of the claimed limitations disclosed by each reference. Rather, petitioner's discussion leaves one to guess exactly what disclosed limitations of the reference(s) correspond to which claimed limitations. Accordingly, clarification is required. The discussion needs clarification so that each reference is clearly discussed with respect to claimed limitation terminology.

Furthermore, applicant is reminded that item 6.3 above requires a detailed explanation of how **each** of the claims are patentable over **each** of the references cited with particularity required by 37 CFR 1.111(b) and (c). Petitioner has only stated that claims 2-5 are patentable due to their dependence on claim 1; however, no separate reasons for patentability are provided. Furthermore, while petitioner states that each of claims 4 and 5 include limitations that define over the references, these limitations are not discussed with any particularity with respect to each reference as required.

In summary, if any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5., 5.2 and 5.3 above, and the Preexamination Search Document must be amended to provide all details of all searches conducted, including: fields of searches (including class/subclasses) and the dates of the searches, and name of files and/or databases searched, and the search logic used as queries in all searches; a supplemental Information Disclosure Statement must be filed citing any newly found prior art; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of all newly cited prior art in accordance with all of items 6 through 6.6 above, and clarified in regard to items 6.2 and 6.3 as discussed above.

## DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-7288.

/Krista Zele/

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Krista Zele  
Quality Assurance Specialist  
Technology Center 2600  
Communications



Cantor Colburn LLP-IBM Europe  
20 Church Street  
22nd Floor  
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**MAIL**

**FEB 25 2008**  
**DIRECTOR'S OFFICE**  
**TECHNOLOGY CENTER 2600**

In re Application of:  
Carl BINDING, et al.  
Serial No.: 11/939,093  
Filed: November 13, 2007

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **LOW-RATE WIRELESS PERSONAL  
AREA NETWORK SYSTEM FOR  
TRACKING CONTAINERS**

This is a decision on the petition filed on January 16, 2008 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). This decision is also responsive to the amended pre-examination search statement and the amended accelerated examination support document filed February 8, 2008 and the supplemental statement filed February 13, 2008 regarding the supplemental pre-examination search statement.

All of the requirements to correct the deficiencies outlined in the petition decision mailed December 31, 2007 have been met.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having been constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Krista Zele, Quality Assurance Specialist, at (571) 272-3068.

/Krista Zele/

---

Krista Zele  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,098	11/13/2007	Kenji Toyoda	063979-0090	5327
53080	7590	09/05/2008	EXAMINER	
MCDERMOTT WILL & EMERY LLP			CAO, PHAT X	
600 13TH STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005-3096			2814	
			MAIL DATE	DELIVERY MODE
			09/05/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



**MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, NW  
WASHINGTON DC 20005-3096**

**In re Application of**

**Kenji TOYODA**

**Application No.: 11/939,098**

**Filed: 11/13/2007**

**Attorney Docket No.: 063979-0090**

**For: ORGANIC FET HAVING  
IMPROVED ELECTRODE  
INTERFACES AND A FABRICATION  
METHOD THEREFOR**

**: 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 June 23, 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).

This request to participate in the PPH program and petition meets 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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BOEING MANAGEMENT COMPANY  
P.O. BOX 2515  
MAIL CODE 110-SD54  
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

**Applicant** : Albert M. Bajocich : DECISION ON REQUEST FOR  
**Patent Number** : 7640074 : RECALCULATION of PATENT  
**Issue Date** : 12/29/2009 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/939,117 : 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 **209** 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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JAGTIANI + GUTTAG  
10363-A DEMOCRACY LANE  
FAIRFAX, VA 22030

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MAR 3 0 2009

**OFFICE OF PETITIONS**

In re Application of  
Roxanne **DUAN, et al.**  
Application No. 11/939,122  
Filed: November 13, 2007  
Attorney Docket No. **FUNC-0038-UT1**

DECISION ON PETITION TO  
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 19, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that a request to disregard the aforementioned request to withdraw power of attorney was received on February 24, 2009. Attorney Steven B. Kelber, Registration No. 30, 073 has been reinstated by the director of the Office of Enrollment and Discipline on February 3, 2009 and therefor remains as attorney of record in the above-identified application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions



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GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.  
PO BOX 7021  
TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant : Anton Jager : DECISION ON REQUEST FOR  
Patent Number : 7635095 : RECALCULATION of PATENT  
Issue Date : 12/22/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/939,123 : 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 **79** 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.



Keusey, Tutunjian & Bitetto, P.C.  
20 Crossways Park North  
Suite 210  
Woodbury, NY 11797

In re Application of: LOHR et al.	:	
U.S. Application No. 11/939,242	:	
Filing Date: November 13, 2007	:	
Attorney Docket No.: 148-48 (CIP)	:	
For: TORQUE MEASUREMENT WITHIN A	:	
POWERTRAIN	:	DECISION ON PETITION
	:	
	:	

The petition to revive under 37 CFR 1.137(b) filed November 13, 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).

International application PCT/GB2005/003118 became abandoned as to the United States of America at midnight on February 16, 2007 for failure to timely pay the basic national fee. The filing of the present continuing application under 35 U.S.C. 111(a) is accepted as the appropriate response under 37 CFR 1.137(b). See MPEP § 711.03(c). International application PCT/GB2005/003118 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 11/939,242.

This application is being referred to the Office of Initial Patent Examination for further processing.

Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel.: 571-272-3298  
Facsimile: 571-273-0459



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GORDON E NELSON  
PATENT ATTORNEY, PC  
57 CENTRAL ST  
PO BOX 782  
ROWLEY MA 01969

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JUN 13 2008

**OFFICE OF PETITIONS**

In re Application of :  
Ahlgren et al. : DECISION REFUSING STATUS  
Application No. 11/939,250 : UNDER 37 CFR 1.47(a)  
Filed: November 13, 2007 :  
Attorney Docket No. beaven01.004 :

This is in response to the petition under 37 CFR 1.47(a), filed May 12, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

Pursuant to petitioner's request deposit account no. 50-1315 will be charged the \$200 petition fee.

As to item (2), although the declaration submitted includes page numbers, it appears that one page is missing, as page 6 of 6 cannot be located. The signature block of inventor Hung Phan contains alterations. Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. See MPEP 605.04(a).

Further correspondence with respect to this matter should be addressed as follows:

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By Hand: U. S. Patent and Trademark Office  
Customer Window, Mail Stop PETITIONS  
401 Dulany Street  
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.



Charlema Grant  
Petitions Attorney  
Office of Petitions



GORDON E NELSON  
PATENT ATTORNEY, PC  
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In re Application of :  
Ahlgren et al. : DECISION REFUSING STATUS  
Application No. 11/939,250 : UNDER 37 CFR 1.47(a)  
Filed: November 13, 2007 :  
Attorney Docket No. beaven01.004 :

This is in response to the renewed petition under 37 CFR 1.47(a), filed August 11, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. See 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. The first page of the Declaration does not list all joint inventors and the Declaration does not include page numbers --i.e. 1 of 2; 2 of 2. For instance what would be considered page three, there is a blank space after inventor Torchon,'s signature block. Thus since there are no page numbers, it appears like there are no additional inventors.

Further correspondence with respect to this matter should be addressed as follows:

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                              Commissioner for Patents  
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                              Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.



Charlema Grant  
Petitions Attorney  
Office of Petitions



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In re Application of :  
Ahlgren et al. : DECISION REFUSING STATUS  
Application No. 11/939,250 : UNDER 37 CFR 1.47(a)  
Filed: November 13, 2007 :  
Attorney Docket No. beaven01.004 :

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 19, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2) above, the declaration is defective as the wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. Accordingly, a new oath or declaration must be submitted and must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See §§ MPEP 602.01 and 602.02. On renewed petition, petitioner has provided the same declaration that was provided on August 11, 2008. However the declaration has now been altered with the addition page numbers.

Further correspondence with respect to this matter should be addressed as follows:

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                              Commissioner for Patents  
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                              Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.



Charlema Grant  
Petitions Attorney  
Office of Petitions



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**MAR 31 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Ahlgren et al.	:	DECISION REFUSING STATUS
Application No. 11/939,250	:	UNDER 37 CFR 1.47(a)
Filed: November 13, 2007	:	
Attorney Docket No. beaven01.004	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed February 18, 2009.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2) on renewed petition the declaration provided does not include non-signing Torchon's signature block. It appears that petitioner has forgotten to include page 8 of the declaration.

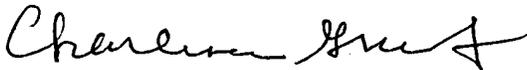
Further correspondence with respect to this matter should be addressed as follows:

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The centralized facsimile number is **(571) 273-8300**.

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Charlema Grant  
Petitions Attorney  
Office of Petitions



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GORDON E NELSON  
PATENT ATTORNEY, PC  
57 CENTRAL ST  
PO BOX 782  
ROWLEY MA 01969

**MAILED**  
JUN 15 2009  
OFFICE OF PETITIONS

In re Application of	:	
Janet Ahlgren, Stuart Rudolph , Robert	:	DECISION GRANTING STATUS
Torchon, Andy Chang, Kevin Kelley, Gideon	:	UNDER 37 CFR 1.47(a)
Moran , Gorham Palmer, Huang Phan and	:	
Nhat Phan	:	
Application No. 11/939,250	:	
Filed: November 13, 2007	:	
Attorney Docket No. Beaven01.004	:	
For: System For Supporting Collaborative	:	
Activity	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed May 28, 2009.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor Torchon has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant  
Petitions Attorney  
Office of Petitions



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Alexandria, VA 22313-1450  
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Robert Torchon  
13628 Gunsmoke Rd, Apt 25  
Moorpark , CA 93021

**MAILED**

**JUN 12 2009**

**OFFICE OF PETITIONS**

In re Application of  
Janet Ahlgren, Stuart Rudolph , Robert Torchon, Andy Chang,  
Kevin Kelley, Gideon Moran , Gorham Palmer, Huang Phan and Nhat Phan  
Application No. 11/939,250  
Filed: November 13, 2007  
Attorney Docket No. Beaven01.004  
For: System For Supporting Collaborative Activity

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant  
Petitions Attorney  
Office of Petitions

cc: GORDON E NELSON  
PATENT ATTORNEY, PC  
57 CENTRAL ST  
PO BOX 782  
ROWLEY MA 01969



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.
11/939,272	11/13/2007	Arvind K. Sinha	ROC920070500US1	5662

59452                      7590                      04/02/2008  
CANTOR COLBURN LLP - IBM ROCHESTER DIVISION  
20 Church Street  
22nd Floor  
Hartford, CT 06103

EXAMINER
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ART UNIT	PAPER NUMBER
2841	

MAIL DATE	DELIVERY MODE
04/02/2008	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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032008

CANTOR COLBURN LLP  
IBM ROCHESTER DIVISION  
20 Church Street  
22nd Floor  
Hartford, CT 06103

APR - 2 - 2008

In re Application of:	:	
Arvind K. Sinha	:	
Serial No.: 11/939,272	:	DECISION ON PETITION TO
Filed: November 13, 2007	:	MAKE SPECIAL FOR NEW
Docket: ROC920070500US1	:	APPLICATION UNDER
Title: THREE-DIMENSIONAL STACKABLE	:	37 C.F.R. §1.102
DIE CONFIGURATION FOR AN	:	
ELECTRONIC CIRCUIT BOARD	:	

This is a decision on the petition filed on November 13, 2007, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d) and M.E.P.E.P. §708.02(a).

The petition to make the application special is DISMISSED.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. §1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 C.F.R. §1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 C.F.R. §1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview;
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and
  - 5.3. encompass the disclosed features that may be claimed;
  6. must provide in support of the petition an accelerated examination support document.
- An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 C.F.R. §1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 C.F.R. §1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

### REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.5; II.6.1 through 6.4 and II.6.6 above. However, the petition does not meet conditions II.6.5 above.

Regarding condition set forth in II.6.5 above, the examination support document must point out where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. In the instant petition, the examination support document only refers to where support for each of the claims is found in the specification but does not show where support of each limitation in the claims is found. Accordingly, the petition fails to meet conditions II.6.5 above for special status.

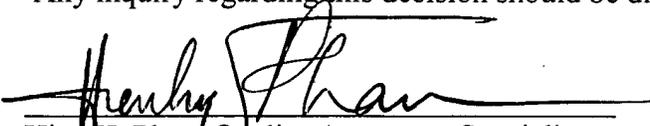
### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is available) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

  
Hien H. Phan, Quality Assurance Specialist  
Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,272	11/13/2007	Arvind K. Sinha	ROC920070500US1	5662

59452                      7590                      05/02/2008  
CANTOR COLBURN LLP - IBM ROCHESTER DIVISION  
20 Church Street  
22nd Floor  
Hartford, CT 06103

EXAMINER

CHAMBERS, TRAVIS SLOAN

ART UNIT                      PAPER NUMBER

2833

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.



without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having been constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

  
Hien H. Phan, Quality Assurance Specialist  
Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



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IRVINE, CA 92618

**MAILED**

APR 26 2010

**OFFICE OF PETITIONS**

In re Application of :  
Yu-Jen Yen, et al. :  
Application No. 11/939,314 : DECISION ON PETITION  
Filed: November 13, 2007 :  
Attorney Docket No. JCLA24631 :

This is a decision on the petition, filed August 4, 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 **DISMISSED**.

On April 3, 2009, the Office mailed a Notice of Allowance and Issue Fee(s) Due (Notice), which set a three month shortened statutory period to reply. The application became abandoned on July 4, 2009, for failure to submit a timely reply to the April 3, 2009 Notice. On July 28, 2009, the Office mailed a Notice of Abandonment.

A review of the record shows that the petitioner made a bonafied attempt to timely pay the issue and publication fees on April 22, 2009. Although petitioner did give the Office authorization to charge fee(s) to the petitioner's deposit account, petitioner did not list the deposit account on the issue fee notification. Petitioner also argues that there was a second authorization in the file on December 14, 2007, but the request filed did not give authorization to charge any and all fees under 1.136. Since there was no general authorization in the file to cover any additional fee(s) under 37 CFR 1.18(a) or 1.18(d) the application became abandoned by operation of law on July 4, 2009.

Upon further review of the records, it is noted that petitioner made another attempt to pay the issue fee in this application; however, the fee was unsuccessfully collected due to insufficient funds in the petitioner's account.

In view of the above, the petition under 37 CFR 1.181 requesting the withdrawal of the holding of abandonment cannot be granted.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b)

stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was “unavoidable.” This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An “unintentional” petition under 37 CFR 1.137(b) must be accompanied by the \$1620 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Any request for reconsideration of this decision should be filed within **TWO (2) MONTHS** from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a “Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment.”

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
                                  Commissioner for Patents  
                                  P. O. Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                   U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

By facsimile:           **(571) 273-8300**  
                                  Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions



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**JUL 08 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Yu-Jen Yen, et al.	:	
Application No. 11/939,314	:	DECISION ON PETITION
Filed: November 13, 2007	:	
Attorney Docket No. JCLS24631	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 3, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed April 3, 2009. Accordingly, the date of abandonment of this application is July 4, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

*April M. Wise*  
April M. Wise  
Petition Examiner  
Office of Petitions



STRATEGIC PATENT GROUP, P.C.  
P.O. BOX 1329  
MOUNTAIN VIEW CA 94042

**FEB 06 2008**

In re Application of: Huang, Lucas, K., *et al.* :  
Application No.: 11/939,329 :  
Filed: November 13, 2007 :  
Title: SYNCHRONOUS MULTI-MEDIA :  
RECORDING AND PLAYBACK WITH END USER :  
CONTROL OF TIME, DATA, AND EVENT :  
VISUALIZATION FOR PLAYBACK CONTROL :  
OVER A NETWORK :  
DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on November 13, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the “Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination” published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

#### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO’s electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

#### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1, 5.3, 6, 6.1, 6.3, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2, 6.2, 6.4 and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

### Discussion

When referring to "the petition" herein below, the received papers under consideration include the four page PTO/SB/28 form "Petition to Make Special Under Accelerated Examination Program", the "pre-examination search document" including 9 pages; the "accelerated examination support document" comprising 9 pages, and an Information Disclosure Statement including form PTO/SB/08A(substitute PTO-1449 A) comprising 2 pages.

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 434 subclasses 118, 262, 266, 323, 350. Searching in class 715 subclasses 203, 230, 232, 233, 704, 716, and 719 also appear on point, for the following reasons:

715/203 – Synchronization of presentation: a particular timing relationship between the presentation of diverse media is achieved.

715/230, 232, 233 – these subclasses relate to annotation control since claimed invention includes generating annotation from user.

715/704, 716, 719 – these subclasses relate to playback of recorded media (video/audio) on a system interface.

Also, it appears that the word search was unduly narrow. The following word search would be recommended:

Playback and (training lecture) and simulat\$3  
(record near3 experiment) and ((training learning) near3 session)  
(demonstration near3 record) and (synchroniz\$4) and network  
(record near3 procedure) and (playback review) and (training education simulation)  
(training education) and (annotat\$3 same (student user)) and (multimedia near3 presentation)  
(training presentation) and (checklist check-list check?list)

Note: the above searches are broad starting searches. More specific searches would include combinations of these searches, additional terms such as, "streaming media", "synchronized file" and "checklist". However, the broader searches are more likely to yield relevant art under 35 U.S.C. 103.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims

that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat “the independent claims”, nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on [www.uspto.gov/web/patents/accelerated/](http://www.uspto.gov/web/patents/accelerated/) in “Guidelines for Applicants under the new accelerated examination procedures”):

*For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

First, petitioner’s submission is not specific enough. Petitioner points out some limitations of some of the claims and provides direction to areas of the prior art where the corresponding limitation may be found. Petitioner does not address each limitation and where it is (or state that it is not) found in each closest prior art. Regarding said claimed limitations, there is no consistent specific one-to-one mapping. Applicant is reminded that a proper mapping of limitations and/or identification of elements in a PGPubs, Patent, or non-patent literature should be made by identifying of the appropriate page/column/paragraph, specific line, and element number identifiable in a figure. As a non-limiting example, the following statement was deemed to be non-compliant with the requirements:

“With respect to dependent claims 2 and 13, Steele teaches a method for real-time integration and synchronization of the video, audio, and telemetry data for a single drive or race, wherein the tri-media data is then transmitted via Internet streaming (see figures 1, 3, and 5).”

As a non-limiting example, it appears that e.g., claims 5 and 15 are not discussed at all with respect to Nemeth.

Note: Applicant’s attention is drawn to the last paragraph on p. 14, l. 5, where it appears that relevant information regarding the “column” and “lines” was left out.

To summarize the deficiencies of element 6.2 above, each limitation in each claim has to be addressed with regard to each one of the cited references.

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined separately in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference the independent claims individually and specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification, and in the specification of each application for which priority is claimed. The instant petition only identifies figures and portions of text, with respect to claim numbers as opposed to the required claim limitations. As a non-limiting example, the following text (p. 19) is deemed to be non-compliant with the requirements:

“in response to a training session being conducted, synchronously recording in real-time simulator data from a simulator captured by a simulator capture tool, and video of the training session captured by a plurality of A/V sources (Spec. [023]-[025] and [027]-[028]);

encoding the videos captured by the A/V sources as respective digital media files formatted as streaming media (Spec. [023]-[025] and [029]-[03]); and

transmitting both the simulator data and the video media files from a server to a client over a network, such that when the client receives the simulator data and the stream, the respective videos are synchronously played back with the simulator data on the client (Spec. [023]-[025] and [032]).”

This requirement is not addressed at all with regard to application serial no. 11/611,792.

## DECISION

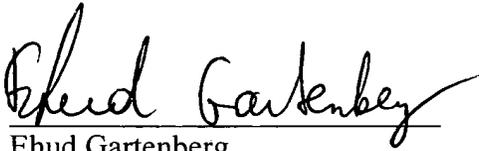
For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal

of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828.

A handwritten signature in black ink that reads "Ehud Gartenberg". The signature is written in a cursive style with a horizontal line underneath the name.

Ehud Gartenberg  
Special Programs Examiner  
Technology Center 3700



STRATEGIC PATENT GROUP, P.C.  
P.O. BOX 1329  
MOUNTAIN VIEW CA 94042

**MR 13 2008**

In re Application of: Huang, Lucas, K., <i>et al.</i>	:	
Serial No.: 11/939,329	:	
Filed: November 13, 2007	:	DECISION ON PETITION TO
Title: SYNCHRONOUS MULTI-MEDIA	:	MAKE SPECIAL FOR NEW
RECORDING AND PLAYBACK WITH END USER :	:	APPLICATION UNDER 37
CONTROL OF TIME, DATA, AND EVENT :	:	C.F.R. § 1.102 & M.P.E.P. §
VISUALIZATION FOR PLAYBACK CONTROL	:	708.02
OVER A NETWORK	:	

This is a decision on the request for reconsideration filed on March 6, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The request has been treated as a renewed petition to make the above-identified application special and has been viewed as a supplement to and in combination with the original petition which was filed on November 13, 2007 and dismissed in the Office letter of February 6, 2008.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the conditions as outlined in the prior petition decision. The conditions are not repeated herein.

REVIEW OF FACTS

As stated in the decision of February 6, 2008, conditions I: 1-4, II: 1-5, 5.1 5.3, 6, 6.1, 6.3 and 6.6 were considered to have been met. However, the petition failed to comply with conditions II: 5.2, 6.2, 6.4 and 6.5. Upon reconsideration, the petition is considered to additionally meet II: 5.2, 6.2 and 6.4. However, the petition still fails to meet the requirement of section II: 6.5. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

## DISCUSSION

With regard to the requirement of condition II: 6.2, the Examiner notes that on p. 17, p. 1, 5, a column numeral is still missing. However, on its own, this deficiency would not have caused at this stage the denial of the petition.

With regard to the requirement of condition II: 6.5, Applicant failed to show (i.e., map) where each limitation of the claims finds support under 35 U.S.C. 112, 1<sup>st</sup> paragraph with the required specificity. For example, Applicant wrote on p. 28:

*“Independent claim 1 - A method for providing synchronous multimedia recording and playback, comprising:*

*in response to a training session being conducted, synchronously recording in real-time simulator data from a simulator captured by a simulator capture tool, and video of the training session captured by a plurality of A/V sources (App. Ser. No. 11/939,329 - Spec. [023]-[025] and [026]-[028]);”*

Paragraphs 23-25 and 26-28 extend over approximately two and a half pages. This mapping is not specific enough.

For future reference and as a courtesy to the Applicant, the Examiner reminds the mapping requirements for all conditions of section II:

The requirement of section II element 6.2 can be satisfied by listing all the filed claims (i.e., the claims of the application) and by indicating where each limitation of each one of said filed claims is taught (or is not taught) in each one of the cited most closely related references, by specifically indicating the element number and/or the relevant page/paragraph and line numbers. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

The requirement of section II element 6.3 can be satisfied by listing all the filed claims (i.e., the claims of the application) and by indicating which specific limitation(s) in each one of said filed claims define(s) over each one of the most closely related references that has been cited. With regard to each dependent claim, there should be an unequivocal statement whether the patentability of each dependent claim is predicated solely on that of the claim from which it depends, or Applicant should provide a detailed explanation of patentability specific to that particular claim. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

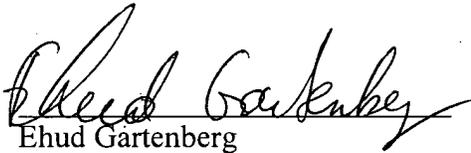
The requirement of section II element 6.5 can be satisfied by listing all the filed claims and by indicating where the application and the application(s) for which priority is claimed teach each limitation in each one of said filed claims, by indicating the element number and/or the relevant page and line numbers. Applicant's attention is also drawn to the requirements relevant under 35 U.S.C 112, 6<sup>th</sup> paragraph. Should this requirement not apply to the application, Applicant should make a statement in this regard.

## DECISION

For at least the above-stated reason (for failing to meet the requirement of section II: element 6.5), the petition is **DENIED**. The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Colleen P. Cooke, Special Program Examiner, at 571 272-1170.



Ehud Gartenberg  
Special Program Examiner  
Technology Center 3700



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In re application of : **DECISION ON PETITION**  
Barzel et al. : **TO MAKE SPECIAL FOR**  
Application No. 11/939,373 : **NEW APPLICATION**  
Filed: November 13, 2007 : **UNDER 37 CFR 1.102**  
For: PUBLICLY AUDITABLE POLLING METHOD AND SYSTEM

This is a decision on the petition filed on November 13, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

**REGULATION AND PRACTICE**

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches; the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where

each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The petition in this case fails to comply with conditions I.3 and I.4.

Condition I.3 requires that, at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. As per the Notice To File Corrected Application Papers mailed to Applicant on November 19, 2007, the drawings were not in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) at the time of filing.

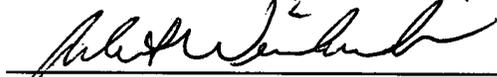
As to condition I.4, claims 18 and 20 are considered to be independent claims because they are directed to a different statutory class than claims 1 and 19, respectively. More specifically, claims 18 and 20 are directed toward an article of manufacture while claim 1 is directed toward a process and claim 19 is directed toward an apparatus. Due to the switch in statutory class, claims 18 and 20 do not further limit claims 1 and 19, respectively, and are, therefore, constructively interpreted to be independent claims, thereby increasing the total number of independent claims to four (4). According to condition I.4, the application must contain three or fewer independent claims; therefore, this condition is not met.

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure. Given that the application was incomplete at the time of filing, which cannot be remedied after the date of filing, the petition has not been further reviewed on the merits.

## DECISION

For the above stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.



---

Robert A. Weinhardt,  
Business Practice Specialist  
Technology Center 3600

RW/SMD/11/29/07



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**MAR 3 1 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Gurcan et al. :  
Application Number: 11/939377 : DECISION DISMISSING PETITION  
Filing Date: 11/13/2007 :  
Attorney Docket Number: 021803- :  
000510US :

This is a decision in reference to the petition under 37 CFR 1:57(a) filed on February 13, 2008, which is treated as a petition requesting that the above identified application, including Figure 9, be accorded a filing date of November 13, 2007.

The petition is dismissed.

On November 13, 2007, the application was filed. The application papers included, *inter alia*, nine (9) sheet of drawings including Figures 1, 2, 3a, 3b, 4, 5, 6, 7, 8a, 8b, and 10.

Accordingly, on December 13, 2007, a Notice to File Missing Parts of Nonprovisional Application was mailed, stating, *inter alia*, that Figure 9 described in the specification appeared to have been omitted. Replacement drawings and the declaration and filing fees were also required.

In response, on February 13, 2007, the present petition was filed, accompanied by a copy of Figure 9 as well as replacement drawings, the executed declaration, and the filing fees.

Petitioners concede that Figure 9 was inadvertently omitted from the subject application as filed, but state that the drawing intended to be filed as Figure 9 in the subject application is

the same as Figure 8 in provisional Application No. 60/865,628, which is incorporated by reference in this application, and to which a claim of benefit under 35 U.S.C. § 119(e) was made on filing.

The mailing of a Notice of Omitted Items permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice of Omitted Items (37 CFR 1.181(f)).

Furthermore, the Notice to File Missing Parts of Nonprovisional Application mailed on December 13, 2007, states, in pertinent part:

**I. Petition for date of deposit:** Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$400.00 petition fee (37 CFR 1.17(f))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice...

**II. Petition for later filing date:** Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$400.00 petition fee (37 CFR 1.17(0)) requesting the later filing date must be filed within **TWO MONTHS** of the date of this

Notice. **THIS TWO MONTH PERIOD IS EXTENDABLE UNDER 37 CFR 1.136(a) or (b).**

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(f)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

**III. Acceptance of application as deposited:** Applicant may accept the application as deposited in the USPTO by filing an appropriate amendment as set forth in either (A) or (B) below within **TWO MONTHS** of the date of this Notice. **THIS TWO MONTH PERIOD IS EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** The application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

...

**(B)** Alternatively, if applicant wants to accept the application as deposited but wishes to add the subject matter in the omitted item (e.g., a missing page or figure) by relying on an incorporation by reference under 37 CFR 1.57 or other portions of the original disclosure, applicant is required to submit one or more of the following items without adding any new matter (see 35 U.S.C. 132(a)):

1. To add the subject matter in a missing page of specification, a substitute specification excluding claims and a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125;
2. To add a missing figure of the drawings, new and replacement drawing sheets in compliance with 37 CFR 1.121(d);

...

If applicant is relying on an incorporation by reference under 37 CFR 1.57 to add the omitted subject matter, then applicant must also comply with the requirements of 37 CFR 1.57.

(emphasis in original)

In this case, however, petitioners neither contend that Figure 9 was present among the application papers filed on November 13, 2007, nor request a filing date of the date that Figure 9 was deposited. Rather, petitioners simply seek to amend the drawings to add Figure 9, which was contained in a prior-filed provisional application to which benefit was claimed in the specification of the subject application on filing.

As no petition is necessary to amend the specification or drawings, the petition is dismissed as inappropriate. The examiner will view the replacement drawings, including drawing Figure 9, for new matter in due course.

However, as the Notice to File Missing Parts of Nonprovisional Application mailed on December 13, 2007, properly indicated that Figure 9 **appeared** to have been omitted, the Notice to File Missing Parts of Nonprovisional Application was properly mailed and will **not** be withdrawn or vacated to the extent that it stated that Figure 9 appeared to have been omitted.

Since this petition was not necessitated by an error on the part of the USPTO, a petition fee is due. Therefore, the petition fee will not be refunded.

The application will be referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Anthony Knight  
Supervisor  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,378	11/13/2007	Varun Bhagwan	ARC920070028US1	5887

67232 7590 12/28/2007  
CANTOR COLBURN, LLP - IBM ARC DIVISION  
20 Church Street  
22nd Floor  
Hartford, CT 06103

EXAMINER

MOFIZ, APU M

ART UNIT PAPER NUMBER

2161

MAIL DATE DELIVERY MODE

12/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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John Raymond Sweet  
CANTOR COLBURN, LLP  
IBM ARC Division  
20 Church Street, 22<sup>nd</sup> Floor  
Hartford, CT 06103

In re Application of:	:	
Varun BHAGWAN, et al.	:	DECISION ON PETITION TO
Serial No.: 11/939,378	:	MAKE SPECIAL FOR NEW
Filed: November 13, 2007	:	APPLICATION UNDER 37
Title: METHOD FOR DUPLICATE	:	C.F.R. § 1.102 & M.P.E.P. §
DETECTION ON WEB-SCALE DATA IN	:	708.02
SUPERCOMPUTING ENVIRONMENTS	:	

This is a decision on the petition filed on November 13, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.



Vincent N. Trans, SPRE/QAS  
Technology Center 2100  
Computer Architecture, Software, and  
Information Security



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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/939,395 11/13/2007 Mark ZOLLER 67824.407414 5913

7590 11/18/2008
HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

EXAMINER
LANDSMAN, ROBERT S

ART UNIT PAPER NUMBER
1647

MAIL DATE DELIVERY MODE
11/18/2008 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.

Miami Farmer
Patent Publication Branch
Office of Data Management

Adjustment date: 11/18/2008 NFARMER
11/14/2007 INTEFSW 00003293 500206 11939395
02 FC:2111 255.00 CR

Adjustment date: 11/18/2008 NFARMER
04/22/2008 RTELEA1 00000004 500206 11939395
01 FC:2201 735.00 CR
02 FC:2202 4650.00 CR
03 FC:2203 185.00 CR



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 11/939,408 filed 11/13/2007 by Mark ZOLLER, examiner LANDSMAN, ROBERT S, and mail date 11/18/2008.

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.

Handwritten signature of Niomi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 11/18/2008 NFARMER
11/14/2007 INTEFSW 00003351 500206 11939408
02 FC:2111 255.00 CR

Adjustment date: 11/18/2008 NFARMER
04/14/2008 MTEKLERI 00000010 500206 11939408
01 FC:2201 735.00 CR
02 FC:2202 4650.00 CR
03 FC:2203 185.00 CR



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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

Casimir Jones, S.C.  
440 Science Drive  
Suite 203  
Madison WI 53711

**COPY MAILED**

**SEP 30 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Lisa S. D. Emmett, Theresa	:	
Gratsch, K. Sue O'Shea, J.	:	
Matthew Velkey, Michael J.	:	
Welsh, and William Wu	:	
Application No. 11/939,434	:	DECISION ON PETITION
Filed: November 13, 2007	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number: UM-	:	§ 1.47(A)
30244/US-1/CON	:	
Title: COMPOSITIONS AND METHODS	:	
FOR GENERATING TRANSGENIC	:	
ANIMALS	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed August 21, 2009.

This petition pursuant to 37 C.F.R. § 1.47(a) is **DISMISSED**.

On November 13, 2007, the application was filed, identifying Lisa S. D. Emmett, Theresa Gratsch, K. Sue O'Shea, J. Matthew Velkey, Michael J. Welsh, and William Wu as joint inventors. An executed oath or declaration was not included on filing. On January 23, 2009, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R.

- § 1.16(f);
- (3) a statement of the last known address of each non-signing inventor;
  - (4) either
    - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to each non-signing inventor for review and proof that each non-signing inventor refuses to join in the application or
    - b) proof that each non-signing inventor cannot be found or reached after diligent effort, and;
  - (5) a declaration which complies with 37 C.F.R. § 1.63.

With this petition, Petitioner has submitted, *inter alia*, the petition fee, a declaration that has been executed by the latter three inventors along with the fee associated with the late submission of the same, the last known address of each non-signing inventor, proof that each was provided with a complete copy of the application,<sup>1</sup> and proof that an executed copy of the declaration has not been obtained.<sup>2</sup> Petitioner has further included a five-month extension of time, so as to make timely this response.

Petitioner has further established that Meses. O'Shea and Gratsch have refused to execute the declaration.<sup>3</sup> This petition is being construed to contain an assertion that Ms. Emmet refused to execute the declaration that was sent to her, as a complete copy of the application was sent to her last known address. **Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.**

Requirements (1) - (4) of Rule 1.47(a) have been satisfied.

Regarding the fifth requirement of Rule 1.47(a), it is noted that **the address for non-signing inventor Emmett that appears on the declaration is not the same address that was given as her last known address** (which is the same address to which a complete copy

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1 Casimir affidavit, paragraphs 1-3. See also letter from Mr. Sisson, dated March 2, 2009 and letter from Ms. Green, dated March 4, 2009.

2 Petition, page 2.

3 Letter from Mr. Sisson, dated March 2, 2009 and letter from Ms. Green, dated March 4, 2009.

of the application was sent).<sup>4</sup> Presuming that the statement of facts is to be believed, Petitioner will need to submit a new declaration or supplemental Application Data Sheet that contains the correct address for Ms. Emmett.

Alternatively, if the address that appears on the declaration is correct, a complete copy of the application will need to be sent to that address, and Petitioner will need to provide Ms. Emmett with an adequate period of time to respond before filing a renewed petition.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Petitioner should note that any statement that appears therein should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,<sup>5</sup> hand-delivery,<sup>6</sup> or facsimile.<sup>7</sup> Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.<sup>8</sup>

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>9</sup> All other inquiries

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4 See Appendix H.

5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

7 (571) 273-8300 - please note this is a central facsimile number.

8 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

9 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

concerning examination procedures should be directed to the  
Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

Casimir Jones, S.C.  
440 Science Drive  
Suite 203  
Madison WI 53711

**MAILED**  
**MAR 29 2010**  
**OFFICE OF PETITIONS**

In re Application of	:	
Lisa S. D. Emmett, Theresa	:	
Gratsch, K. Sue O'Shea, J.	:	
Matthew Velkey, Michael J.	:	
Welsh, and William Wu	:	
Application No. 11/939,434	:	DECISION ON RENEWED PETITION
Filed: November 13, 2007	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number: UM-	:	§ 1.47(A)
30244/US-1/CON	:	
Title: COMPOSITIONS AND METHODS	:	
FOR GENERATING TRANSGENIC	:	
ANIMALS	:	

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a), filed February 23, 2010.

This renewed petition pursuant to 37 C.F.R. § 1.47(a) is **DISMISSED**.

On November 13, 2007, the application was filed, identifying Lisa S. D. Emmett, Theresa Gratsch, K. Sue O'Shea, J. Matthew Velkey, Michael J. Welsh, and William Wu as joint inventors. An executed oath or declaration was not included on filing. On January 23, 2009, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing

- the application, as set forth in 37 C.F.R. § 1.16(f);
- (3) a statement of the last known address of each non-signing inventor;
  - (4) either
    - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to each non-signing inventor for review and proof that each non-signing inventor refuses to join in the application or
    - b) proof that each non-signing inventor cannot be found or reached after diligent effort, and;
  - (5) a declaration which complies with 37 C.F.R. § 1.63.

An original petition pursuant to 37 C.F.R. § 1.47(a) was filed on August 21, 2009, and was dismissed via the mailing of a decision on September 30, 2009, which indicated that requirements (1) - (4) of Rule 1.47(a) have been satisfied. Regarding the fifth requirement of Rule 1.47(a), the decision indicated that the address for non-signing inventor Emmett which appears on the declaration does not appear to be correct.

With this renewed petition, Petitioner has attempted to overcome this deficiency via the submission of a Supplemental Application Data Sheet (ADS), however **this Supplemental ADS cannot be accepted, as it has not been properly titled as such.**<sup>1</sup>

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,<sup>2</sup> hand-delivery,<sup>3</sup> or facsimile.<sup>4</sup>

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1 Pursuant to MPEP § 601.05, any ADS that is submitted to "correct, modify, or augment the original application data...must be titled 'Supplemental Application Data Sheet.'"

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

4 (571) 273-8300 - please note this is a central facsimile number.

Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.<sup>5</sup>

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

It is noted that the address listed on the petition differs from the address of record. Petitioner has submitted a Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address concurrently with this petition. This request cannot be entered however, as it cannot be effectuated - see 37 C.F.R. §§ 1.33(a)(2) and 1.33(b)(4). **The individual who executed the Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address has erroneously asserted that he is the "Applicant/Inventor." It appears that he represents the Assignee, however a statement pursuant to 37 C.F.R. § 3.73(b) was not submitted concurrently with this request, and a preventively filed statement pursuant to 37 C.F.R. § 3.73(b) has not been located in the electronic file.**

If Petitioner desires to receive future correspondence regarding this application, a properly executed change of correspondence address must be submitted by any party identified in Rule 1.33(b)(1), (3), or (4). A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless a properly executed Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address form is submitted for the above-identified application, along with the required statement pursuant to 37 C.F.R. § 3.73(b).

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>6</sup> All other inquiries

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<sup>5</sup> <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

<sup>6</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

concerning examination procedures should be directed to the  
Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

cc: Sara D. Vinarov  
Quarles & Brady, LLP  
300 N. LaSalle Street, Suite 4000  
Chicago, IL 60654-3422



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P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

QUARLES & BRADY LLP  
33 E. MAIN ST, SUITE 900  
P.O BOX 2113  
MADISON WI 53701-2113

**MAILED**

**JUN 29 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Lisa S. D. Emmett, Theresa	:	
Gratsch, K. Sue O'Shea, J.	:	
Matthew Velkey, Michael J.	:	
Welsh, and William Wu	:	
Application No. 11/939,434	:	DECISION ON SECOND RENEWED
Filed: November 13, 2007	:	PETITION PURSUANT TO
Attorney Docket Number: UM-	:	37 C.F.R. § 1.47(A)
30244/US-1/CON	:	
Title: COMPOSITIONS AND METHODS	:	
FOR GENERATING TRANSGENIC	:	
ANIMALS	:	

This is in response to the second renewed petition pursuant to 37 C.F.R. § 1.47(a), filed April 26, 2010, and supplemented on June 25, 2010.

This second renewed petition pursuant to 37 C.F.R. § 1.47(a) is **DISMISSED**.

The concurrently submitted Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address has been entered and made of record.

On November 13, 2007, the application was filed, identifying Lisa S. D. Emmett, Theresa Gratsch, K. Sue O'Shea, J. Matthew Velkey, Michael J. Welsh, and William Wu as joint inventors. An executed oath or declaration was not included on filing. On January 23, 2009, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130. if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
- (3) a statement of the last known address of each non-signing inventor;
- (4) either
  - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to each non-signing inventor for review and proof that each non-signing inventor refuses to join in the application or
  - b) proof that each non-signing inventor cannot be found or reached after diligent effort, and;
- (5) a declaration which complies with 37 C.F.R. § 1.63.

An original petition pursuant to 37 C.F.R. § 1.47(a) was filed on August 21, 2009, and was dismissed via the mailing of a decision on September 30, 2009 which indicated that requirements (1) - (4) of Rule 1.47(a) had been satisfied. A renewed petition was filed on February 23, 2010, and was dismissed via the mailing of a decision on March 29, 2010, which indicated that the concurrently submitted supplemental Application Data Sheet (ADS) could not be accepted.

With both this second renewed petition and the supplement to the same, Petitioner has included Supplemental Application Data Sheets. Neither can be accepted, as they fail to comply with 37 C.F.R. § 1.76(a), in that they do not "contain all of the section headings listed in paragraph (b) of" Rule 1.76. Namely, the "Second Supplemental Application Data Sheet" fails to contain the section header "Applicant information," as is required by Rule 1.76(b)(1).

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Third Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,<sup>1</sup> hand-delivery,<sup>2</sup> or facsimile.<sup>3</sup> Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.<sup>4</sup>

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>5</sup> All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

3 (571) 273-8300 - please note this is a central facsimile number.

4 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/939,434	11/13/2007	Lisa S. D. Emmett	UM-30244/US-1/CON

**CONFIRMATION NO. 5963**

**POA ACCEPTANCE LETTER**



26735  
QUARLES & BRADY LLP  
33 E. MAIN ST, SUITE 900  
P.O BOX 2113  
MADISON, WI 53701-2113

Date Mailed: 06/28/2010

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 04/26/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/pashanoski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
**United States Patent and Trademark Office**  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/939,434	11/13/2007	Lisa S. D. Emmett	UM-30244/US-1/CON

**CONFIRMATION NO. 5963**

**POWER OF ATTORNEY NOTICE**



\*OC000000042314691\*

72960  
Casimir Jones, S.C.  
2275 DEMING WAY, SUITE 310  
MIDDLETON, WI 53562

Date Mailed: 06/28/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 04/26/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervned as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/pashanoski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



# UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William M. Zilm

Application No. 11939468

Filed: November 13, 2007

Attorney Docket No. ZLM.np5

:  
:  
:  
:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) filed 07-APR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

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

<b>PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)</b>					
<b>Application Information</b>					
Application Number	11/939,468	Confirmation Number	6032	Filing Date	2007-11-13
Attorney Docket Number (optional)	ZLM.np5	Art Unit		Examiner	
First Named Inventor	William M. Zilm				
Title of Invention	EXTENSION COUPLING WITH ANGLE ADJUSTING RETAINER FOR USE WITH TRAILERS				
<p><b>Attention: Office of Petitions</b>            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).</p> <p>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.</p> <p>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.</p>					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	M.	Zilm			
<p>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.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (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.</p>					
Signature	/John Wray Carpenter/		Date (YYYY-MM-DD)	2008-04-07	
Name	John W. Carpenter		Registration Number	57830	

## 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 Freedom 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 individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public 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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**MORRIS MANNING MARTIN LLP**  
**3343 PEACHTREE ROAD, NE**  
**1600 ATLANTA FINANCIAL CENTER**  
**ATLANTA GA 30326**

**MAILED**

**MAR 31 2009**

**OFFICE OF PETITIONS**

Application of :  
Lee, Ting-Fu :  
Application No. 11/939,481 : DECISION GRANTING PETITION  
Filed: November 13, 2007 : UNDER 37 CFR 1.55(c)  
Attorney Docket No. 15042-68881 :

This is a decision on the petition under 37 CFR 1.55(c), filed December 31, 2008, for acceptance of an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of the filing date of Taiwan Application No. 096203868, filed March 9, 2007.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

The above-identified pending nonprovisional application was filed on November 13, 2007, which is after November 29, 2000 and within 12 months of March 9, 2007 (the filing date of the foreign application to which benefit is now being claimed). On November 26, 2008, an executed oath/declaration was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of \$1410.00 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is **GRANTED**.

A filing receipt accompanies this decision on petition.

This matter is being referred to Technology Center AU 3765 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any inquiries directly pertaining to this decision may be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to the Technology Center.



Liana Walsh  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Values: 11/939,481, 11/13/2007, 3765, 435, 15042-68881, 17, 2

CONFIRMATION NO. 6050

CORRECTED FILING RECEIPT

24728
MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA, GA 30326



Date Mailed: 03/30/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Ting-Fu Lee, Taipei City, TAIWAN;

Assignment For Published Patent Application

E.HOME CONSULTANT & TRADING CO., LTD., Taipei City, TAIWAN

Power of Attorney: The patent practitioners associated with Customer Number 24728

Domestic Priority data as claimed by applicant

Foreign Applications

TAIWAN 096203868 03/09/2007

If Required, Foreign Filing License Granted: 12/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/939,481

Projected Publication Date: 05/14/2009

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

FRAMELESS DIVING MASK AND METHOD FOR FABRICATING THE SAME

**Preliminary Class**

002

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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**TELEDYNE**

**Attn: David Zoetewey, D014, A15**  
**1049 CAMINO DOS RIOS**  
**THOUSAND OAKS CA 91360**

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**DEC 11 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Stefan Clemens Lauxtermann, et al. :  
Application No. 11/939,518 : **DECISION ON PETITION**  
Filed: November 13, 2007 :  
Attorney Docket No. 06RSC086US1 :

This is a decision on the petition under 37 CFR 1.182, filed October 1, 2009, 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. 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 2622 for examination in due course.

Telephone inquiries regarding this decision should be directed to Terri Johnson at (571) 272-2991.

Chris Bottorff  
Petitions Examiner  
Office of Petitions

**ATTACHMENT: Corrected Filing Receipt**



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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Values: 11/939,518, 11/13/2007, 2622, 1030, 06RSC086US1, 19, 3

CONFIRMATION NO. 6129

CORRECTED FILING RECEIPT



56294
TELEDYNE
Attn: David Zoetewey, D014, A15
1049 CAMINO DOS RIOS
THOUSAND OAKS, CA 91360

Date Mailed: 12/10/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Stefan Clemens Lauxtermann, Camarillo, CA;
William E. Tennant, Thousand Oaks, CA;

Power of Attorney: The patent practitioners associated with Customer Number 56294

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 11/939,518

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

LOW NOISE READOUT APPARATUS AND METHOD FOR CMOS IMAGE SENSORS

**Preliminary Class**

348

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



**ASTRA ZENECA PHARMACEUTICALS LP  
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WILMINGTON DE 19850-5437**

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AUG 26 2008

In re Application of : **OFFICE OF PETITIONS**  
Brown et al. :  
Application No. 11/939,585 : DECISION ON PETITION  
Filed: November 14, 2007 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 102853-2 US/NS :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 7, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of the prior-filed nonprovisional application.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, 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. Also, the status of each nonprovisional

parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See Manual of Patent Examining Procedure, 8th ed., August 2001), Section 201.11, Reference to First Application. The amendment filed August 7, 2008 fails to state the relationship of Application No. 11/561,306, filed November 17, 2006, to the instant application.

Accordingly, before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and a substitute amendment stating the relationship of the prior-filed application to the instant application is required. No further petition fee is necessary.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   Customer Window located at:  
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                              401 Dulany Street  
                              Alexandria, VA 22314

By fax:                   (571) 273-8300  
                              ATTN: Office of Petitions

Any questions concerning this matter may be directed the undersigned at (571) 272-3206.



Liana Walsh  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> Note 37 CFR 1.121



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OCT 17 2008

**OFFICE OF PETITIONS**

In re Application of  
Brown et al.  
Application No. 11/939,585  
Filed: November 14, 2007  
Attorney Docket No. 102853-2 US/NS

:  
:  
: DECISION ON PETITION  
: UNDER 37 CFR 1.78(a)(3)  
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 29, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(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 instant petition does not comply with item (1) above.

37 CFR 1.78(a)(1) states,

*(1) A nonprovisional application or international application designating the United States of America may claim an invention disclosed in one or more prior-filed copending nonprovisional applications or international applications designating the United States of America. In order for an application to claim the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America, **each prior-filed application must name as an inventor at least one inventor named in the later-filed application and***

*disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112.*

The inventors in the instant application are: Daniel Brown, Donna Caster, Brian Clark, Sandra Hopkins, Jennifer Llewelyn, Elizabeth Meehan, Lisa Martin, Robert Timko and Husheng Yang.

The inventors in Application No. 11/561,306, filed November 17, 2006 are: Hans Eriksson, Martin Brecher, Rohini Chitra, Joan Shaw, Marten Vagero and Ellis Willis.

There are no common inventors between the two applications. As stated above in 37 CFR 1.78(a)(1), each prior-filed application must name as an inventor *at least one inventor* named in the later-filed application. As such, the instant petition has not complied with the rule.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITIONS  
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By fax:                    (571) 273-8300  
                                  ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.



Liana Walsh  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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STE 1500  
ATLANTA, GA 30339-5994

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JUL 02 2008

**OFFICE OF PETITIONS**

In re Application of :  
Hitoshi Nakatsuka : DECISION GRANTING STATUS  
Application No. 11/939,591 : UNDER 37 CFR 1.47(b)  
Filed: November 14, 2007 :  
Attorney Docket No. 250122-4210 :

This is in response to the petition under 37 CFR 1.47(b), filed November 30, 2007.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor cannot be located to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,628	11/14/2007	Ruthie D. Lyle	CAM920070169US1	6344
63605	7590	01/15/2008	EXAMINER	
CANTOR COLBURN LLP - IBM LOTUS			CALDWELL, ANDREW T	
20 Church Street			ART UNIT	PAPER NUMBER
22nd Floor			2142	
Hartford, CT 06103			MAIL DATE	DELIVERY MODE
			01/15/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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1/14/08

CANTOR COLBURN LLP - IBM LOTUS  
20 CHURCH STREET  
22ND FLOOR  
HARTFORD CT 06103

In re Application of:  
Ruthie D. LYLE, et al.  
Serial No.: 11/939,628  
Filed: November 14, 2007  
Docket: CAM920070169US1  
Title: **METHOD OF MANAGING CHAT  
HISTORY OF ONLINE DISCUSSION**

:  
: **DECISION ON PETITION TO**  
: **MAKE SPECIAL FOR NEW**  
: **APPLICATION UNDER 37**  
: **C.F.R. § 1.102 & M.P.E.P. §**  
: **708.02**

This is a decision on the petition filed on Nov 14, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

#### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions I.1 to II.4 above are considered to have been met. However, the petition fails to comply with conditions II.5 and II.6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding item II.5.1 above, for database searches, Petitioner should identify whether the text search logic used was utilized in combination with the identified field of search (i.e. class 709, subclasses 205-207) or separate therefrom (i.e. the identified classes and subclasses were searched in their entirety). Unless otherwise noted, it is of the understanding that the subclasses 204-207 have been searched in their entirety. Clarification is required.

Regarding items II.5.2-5.3 above, the pre-examination search must be directed to the (instant) claimed invention and encompass all of the features of the claims, giving the claim the broadest reasonable interpretation. The search logic does not seem to include the inventive concept or features included in the claim language that covers the subject matter of the claims using terms recognized in the art given their broadest reasonable interpretation. The search should consider individual features by themselves and combinations of features. The search should cover the **broadest scope** encompassed by the claims as well as claims of **narrow and intermediate breadth**.

Specifically, the search logic does not include the relevant search terms for claimed features such as “prompting the saving of transcript”, “tag associated with local computer terminal”, “tag associated with remote computer terminal”, “incorporate tag into the transcript” of claim 1; “selecting a private tag”, “incorporate the private tag into the transcript” “saving transcript in local computer memory”, “pushing the public tag from the local to the remote computer terminal” of claim 2; “prompting the other participant to accept the public tag” “incorporate public tag into the transcript of the discussion on the remoter computer”, of claim 3; “searching for a keyword” of claim 4; “participant information establishing the tag is incorporated into the transcript” of claim 5. It is noted that some of these features have been identified as patentable distinctions between the claimed invention and the references deemed most closely related to the claimed invention in the Examination Support Document filed with the petition. It is also noted that these are also the key features identified in the Detailed Explanation of Patentability by applicant to distinguishing the instant claimed subject matter from the cited prior art.

In addition, the Petitioner should also include related words or phrase such as plurals and synonyms to the above search terms. For example, the search logic such as “chat adj2 (transcript or history)” may be covered with the phrase “chat near3 (record\$3 or summary or report\$3 or collect\$3 or captur\$3 or monitor\$3 or surveil\$5”); the term “tag” may be covered with “metadata or attribute or keyword”; the term “cloud” may be covered with “weighted near2 list”.

Since the search logic does not include the relevant search terms mentioned above, the alleged patentable features and concept appear to have not been searched. The Petitioner is advised to review the all claim limitations, especially those asserted as patentable distinctions

from the cited references to ensure the preexamination search covers these concepts, and update the search and/or provide any clarification if deemed necessary.

Regarding the requirement of MPEP § 708.02(a)(I)(I) and item II 6.1-6.3;

Regarding the requirement of MPEP § 708.02(a)(I)(I)(3) and item 6.2 above, the Discussion in Section 9(B) of the Accelerated Examination Support Document does not provide a detailed explanation of how **each of the claims** feature is disclosed by the reference. Rather, the Petitioner points to a single citation of text (one or two consecutive paragraphs) to identify various features of the claim; it appears features of claim 1 (such as generating a transcript, the participants, selective saving the transcript, associating metadata) are not separately addressed for each reference. Petitioner should provide a **claim-by-claim mapping** of the pertinent subject matter disclosed in each of the references, specifically **identifying each claim limitation** and corresponding disclosure within the reference, citing to specific relevant portions of each reference. Examples can be found on USPTO website, using the link <http://www.uspto.gov/web/patents/accelerated/> and clicking on "Sample Accelerated Examination Support Document".

Petitioner should review section 9(B), Identification of Limitations Disclosed by References, and section (9C), the Detail Explanation of Patentability of the Sample in view of changes and clarifications, if deemed necessary, to ensure compliance with the requirements of MPEP § 708.02(a)(I)(I)(3) and items II 6.2 above.

Regarding the requirement of MPEP § 708.02(a)(I)(I)(5) and items 6.5-6.6 above, the Accelerated Examination Support Document only identifies an entire Figure (Fig. 2) and large portion of text (paragraphs 11-14) in the specification as providing support under 35 U.S.C. 112, First paragraph, but fails to identify **each claim limitations** and the corresponding support in the cited portions of specification. It appears that the features in claims 1-5 are not **separately identified** with corresponding support in the cited portions. Clarification and identification of support is required.

## DECISION

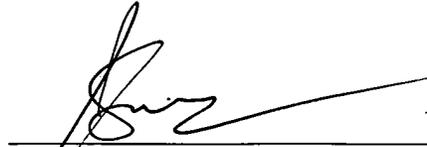
For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal

of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.



---

Kim Huynh,  
Special Program Examiner  
Technology Center 2100  
Computer Architecture, Software and Information Security



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,628	11/14/2007	Ruthie D. Lyle	CAM920070169US1	6344
63605	7590	03/17/2008	EXAMINER	
CANTOR COLBURN LLP - IBM LOTUS			LUU, LE HIEN	
20 Church Street			ART UNIT	
22nd Floor			PAPER NUMBER	
Hartford, CT 06103			2141	
			MAIL DATE	
			DELIVERY MODE	
			03/17/2008	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

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CANTOR COLBURN LLP - IBM LOTUS  
20 CHURCH STREET  
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HARTFORD CT 06103

In re Application of:	:	
Ruthie D. LYLE, et al.	:	DECISION ON PETITION TO
Serial No.: 11/939,628	:	MAKE SPECIAL FOR NEW
Filed: November 14, 2007	:	APPLICATION UNDER 37
Docket: CAM920070169US1	:	C.F.R. § 1.102 & M.P.E.P. §
Title: <b>METHOD OF MANAGING CHAT</b>	:	708.02
<b>HISTORY OF ONLINE DISCUSSION</b>	:	

This is a decision on the renewed petition filed on Feb 14, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on Nov 14, 2007 was dismissed in the decision mailed on Jan 15, 2008.

The petitioner indicates in the instant petition that an updated search was performed and “the results of the search are provided on an Information Disclosure Statement filed on even date herewith”. However, no new Information Disclosure Statement was filed. It is of the understanding that no new references were found as the result of the updated search.

The renewed petition adequately addresses the support for the identification of claims limitations disclosed by the references and showing of where claim limitations finds support in the specification.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the “Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination” published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.
3. Office action:  
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.
4. Time for Reply:  
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.
5. Reply by Applicant:  
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by

an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

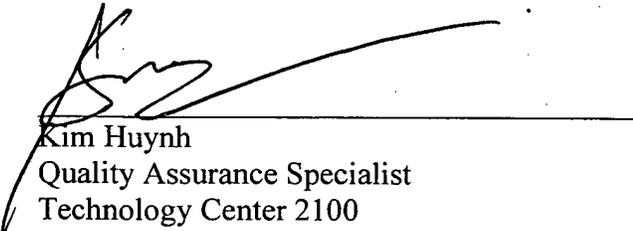
10. Final Disposition:

The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

If attempts to reach the undersigned by telephone are unsuccessful, Tod Swann, Quality Assurance Specialist, can be reached at (571) 272-3612.



---

Kim Huynh

Quality Assurance Specialist

Technology Center 2100

Computer Architecture, Software and Information Security



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,644	11/14/2007	Tsuyoshi SHINTATE	16443.180	6368

22913 7590 03/23/2010  
Workman Nydegger  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, UT 84111

EXAMINER
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PHAN, THIEM D

ART UNIT	PAPER NUMBER
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3729

MAIL DATE	DELIVERY MODE
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03/23/2010

PAPER

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The time period for reply, if any, is set in the attached communication.



Workman Nydegger  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City UT 84111

*In re* Application of: :  
SHINTATE, TSUYOSHI :  
Serial No.: 11/939,644 :  
Filed: Nov. 14, 2007 :  
Docket: 16443.180 :  
Title: MANUFACTURING METHOD OF :  
ELECTRONIC BOARD AND :  
MULTILAYER WIRING BOARD :  
: DECISION ON REQUEST TO  
: PARTICIPATE IN PATENT  
: PROSECUTION HIGHWAY  
: (PPH) AND PETITION TO  
: MAKE SPECIAL UNDER 37  
: CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 28, 2009 to make the above-identified application special.

The request and petition are **DISMISSED AS MOOT.**

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is dismissed because examination of the application has begun on March 23, 2010.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed as moot**

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



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Gifford, Krass, Sprinkle, Anderson &  
Citkowski, P.C.  
P.O. Box 7021  
Troy, MI 48007-7021

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APR 17 2009

**OFFICE OF PETITIONS**

In re Application of	:	
Dale R. Theis et al.	:	
Application No. 11/939,689	:	DECISION ON PETITION
Filed: November 14, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. TAS-17402/06	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 19, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement and declaration by applicant 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 Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 4193 for action on the merits commensurate with this decision.

  
Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



**PANITCH SCHWARZE BELISARIO & NADEL LLP  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA PA 19103**

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**AUG 1 8 2008**

**OFFICE OF PETITIONS**

In re Application of  
**SCHMITTER, Robert L. et al.**  
Application No. 11/939,710  
Filed: November 14, 2007  
Attorney Docket No. 681223-4US

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 30, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Clark A. Jablon on behalf of all attorneys of record who are associated with customer No. 00570. All attorneys/agents associated with 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 Robert L. Schmitter at the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **ROBERT L. SCHMITTER  
OBJECTBUILDERS, INC.  
20134 WEST VALLEY FORGE CIRCLE  
KING OF PRUSSIA, PA 19406**



CANTOR COLBURN LLP - IBM RESEARCH TRIANGLE PARK  
20 Church Street  
22nd Floor  
Hartford CT 06103

JAN 25 2008

In re Application of: Dickover et al. :  
Application No.: 11/939,724 :  
Filed: November 14, 2007 :  
Title: PEN RETENTION APPARATUS :  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the petition filed on November 14, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

##### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

##### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1 5.3, 6, 6.1-6.4 and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2 and 6.5 above. Therefore, the

petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

### Discussion

When referring to “the petition” herein below, the received papers under consideration include the four page PTO/SB/28 form “Petition to Make Special Under Accelerated Examination Program”, the “pre-examination search document” including pages 1-5; the “accelerated examination support document” comprising pages 1-14, and an Information Disclosure Statement (substitute PTO-1449 A).

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 242 subclasses 379, 398, 400, 404, 406 and class 24 subclasses 10R, 11HC, 11R, and 11FE. Searching in class 248 under subclasses 200, 300 also appears to be on point.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies paragraphs with respect to claim numbers as opposed to the specifically required claim limitations identified by their element numbers.

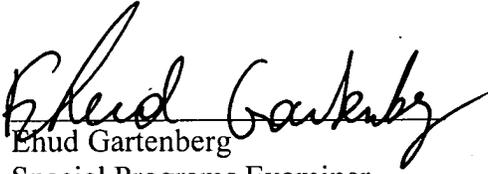
### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828.

A handwritten signature in black ink, appearing to read "Ehud Gartenberg". The signature is written in a cursive style with a large initial "E".

Ehud Gartenberg  
Special Programs Examiner  
Technology Center 3700



CANTOR COLBURN LLP - IBM RESEARCH TRIANGLE PARK  
20 Church Street  
22nd Floor  
Hartford CT 06103

**MAR 05 2008**

In re Application of: Dickover, Wesley D., et al. : DECISION ON PETITION TO  
Serial No.: 11/939,724 : MAKE SPECIAL FOR NEW  
Filed: November 14, 2007 : APPLICATION UNDER 37  
Title: PEN RETENTION APPARATUS : C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the request for reconsideration filed on February 21, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The request has been treated as a renewed petition to make the above-identified application special and has been viewed as a supplement to and in combination with the original petition which was filed on November 14, 2008 and dismissed in the Office letter of November 26, 2007.

The petition to make the application special is **DENIED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the conditions as outlined in the prior petition decision. The conditions are not repeated herein.

#### REVIEW OF FACTS

As stated in the decision of November 26, 2007, conditions I: 1-4, II: 1-5, 5.1 5.3, 6, 6.1-6.4 and 6.6 were considered to have been met. However, the petition failed to comply with conditions II: 5.2 and 6.5. Upon reconsideration, the petition is considered to additionally meet II: 5.2. However, the petition still fails to meet the requirement of section II: 6.5. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

#### DISCUSSION

In the dismissal of the Petition dated January 25, 2008, the Examiner noted that:

“Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies paragraphs with respect to claim numbers as opposed to the specifically required claim limitations identified by their element numbers.” (Emphasis added).

In the request for reconsideration filed February 21, 2008, Applicant repeats the initial type of mapping, e.g., on p. 14 paragraph 6:

“an anvil securedly attached to the tether, the anvil comprising an angled retention surface having an external diameter, the external diameter of the angled retention surface greater than the internal dimension of the elastic retainer and less than the diameter of the orifice; (Figures 1-4, paragraphs [0012]-[0017] and [0024]-[0026]) “

For this reason, Applicant failed to meet the requirements of section II element 6.5, because the specificity required for the mapping has not been satisfied. In the quotations cited the mapping referred to multiple paragraphs instead of referring to specific element numbers, and/or at least to page/paragraph and line numbers.

For future reference and as a courtesy to the Applicant, the Examiner reminds the mapping requirements for section II:

The requirement of section II element 6.2 can be satisfied by listing all the filed claims (i.e., the claims of the application) and by indicating where each limitation of each one of said filed claims is taught (or is not taught) in each one of the cited most closely related references, by specifically indicating the element number and/or the relevant page/paragraph and line numbers. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

The requirement of section II element 6.3 can be satisfied by listing all the filed claims (i.e., the claims of the application) and by indicating which specific limitation(s) in each one of said filed claims define(s) over each one of the most closely related references that has been cited. With regard to each dependent claim, there should be an unequivocal statement whether the patentability of each dependent claim is predicated solely on that of the claim from which it depends, or Applicant should provide a detailed explanation of patentability specific to that particular claim. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

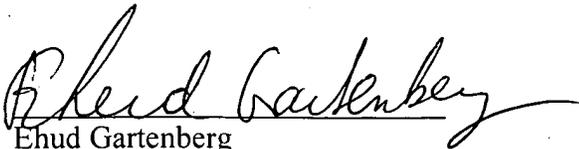
The requirement of section II element 6.5 can be satisfied by listing all the filed claims and by indicating where the application and the application(s) for which priority is claimed teach each limitation in each one of said filed claims, by indicating the element number and/or the relevant page and line numbers. Applicant’s attention is also drawn to the requirements relevant under 35 U.S.C 112, 6<sup>th</sup> paragraph, listed above. Should this requirement not apply to the present application, Applicant should make a statement in this regard.

## DECISION

For at least the above-stated reason (for failing to meet the requirement of section II: element 6.5), the petition is **DENIED**. The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Colleen P. Cooke, Special Program Examiner, at 571 272-1170.

A handwritten signature in cursive script that reads "Ehud Gartenberg". The signature is written in black ink and is positioned above the printed name.

Ehud Gartenberg  
Special Program Examiner  
Technology Center 3700



CANTOR COLBURN LLP - IBM RESEARCH TRIANGLE PARK  
20 Church Street  
22nd Floor  
Hartford CT 06103

MAR 05 2008

In re Application of: Dickover, Wesley D., et al.	:	DECISION ON PETITION TO
Serial No.: 11/939,724	:	MAKE SPECIAL FOR NEW
Filed: November 14, 2007	:	APPLICATION UNDER 37
Title: PEN RETENTION APPARATUS	:	C.F.R. § 1.102 & M.P.E.P. §
	:	708.02
	:	

This is a decision on the request for reconsideration filed on February 21, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). THIS LETTER VACATES AN EARLIER LETTER AND CORRECTS THE DATE OF THE INITIAL PETITION FILING AND THE DATE OF ITS DISMISSAL. The request has been treated as a renewed petition to make the above-identified application special and has been viewed as a supplement to and in combination with the original petition which was filed on November 14, 2007 and dismissed in the Office letter of January 25, 2008.

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the “Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination” published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the conditions as outlined in the prior petition decision. The conditions are not repeated herein.

REVIEW OF FACTS

As stated in the decision of January 25, 2008, conditions I: 1-4, II: 1-5, 5.1 5.3, 6, 6.1-6.4 and 6.6 were considered to have been met. However, the petition failed to comply with conditions II: 5.2 and 6.5. Upon reconsideration, the petition is considered to additionally meet II: 5.2. However, the petition still fails to meet the requirement of section II: 6.5. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DISCUSSION

In the dismissal of the Petition dated January 25, 2008, the Examiner noted that:

“Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies paragraphs with respect to claim numbers as opposed to the specifically required claim limitations identified by their element numbers.” (Emphasis added).

In the request for reconsideration filed February 21, 2008, Applicant repeats the initial type of mapping, e.g., on p. 14 paragraph 6:

“an anvil securedly attached to the tether, the anvil comprising an angled retention surface having an external diameter, the external diameter of the angled retention surface greater than the internal dimension of the elastic retainer and less than the diameter of the orifice; (Figures 1-4, paragraphs [0012]-[0017] and [0024]-[0026]) “

For this reason, Applicant failed to meet the requirements of section II element 6.5, because the specificity required for the mapping has not been satisfied. In the quotations cited the mapping referred to multiple paragraphs instead of referring to specific element numbers, and/or at least to page/paragraph and line numbers.

For future reference and as a courtesy to the Applicant, the Examiner reminds the mapping requirements for section II:

The requirement of section II element 6.2 can be satisfied by listing all the filed claims (i.e., the claims of the application) and by indicating where each limitation of each one of said filed claims is taught (or is not taught) in each one of the cited most closely related references, by specifically indicating the element number and/or the relevant page/paragraph and line numbers. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

The requirement of section II element 6.3 can be satisfied by listing all the filed claims (i.e., the claims of the application) and by indicating which specific limitation(s) in each one of said filed claims define(s) over each one of the most closely related references that has been cited. With regard to each dependent claim, there should be an unequivocal statement whether the patentability of each dependent claim is predicated solely on that of the claim from which it depends, or Applicant should provide a detailed explanation of patentability specific to that particular claim. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

The requirement of section II element 6.5 can be satisfied by listing all the filed claims and by indicating where the application and the application(s) for which priority is claimed teach each limitation in each one of said filed claims, by indicating the element number and/or the relevant page and line numbers. Applicant’s attention is also drawn to the requirements relevant under 35 U.S.C 112, 6<sup>th</sup> paragraph, listed above. Should this requirement not apply to the present application, Applicant should make a statement in this regard.

## DECISION

For at least the above-stated reason (for failing to meet the requirement of section II: element 6.5), the petition is **DENIED**. The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Colleen P. Cooke, Special Program Examiner, at 571 272-1170.

---

Ehud Gartenberg  
Special Program Examiner  
Technology Center 3700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,751	11/14/2007	Harry I. Linzer	RPS920070201US1	6558
59369	7590	12/05/2007	EXAMINER	
CANTOR COLBURN LLP - IBM RESEARCH TRIANGLE PARK 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			LOUIS JACQUES, JACQUES H	
			ART UNIT	PAPER NUMBER
			2112	
			MAIL DATE	DELIVERY MODE
			12/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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CANTOR COLBURN LLP – IBM  
RESEARCH TRIANGLE PARK  
55 GRIFFIN ROAD SOUTH  
BLOOMFIELD, CT 06002

In re Application of: Harry I. LINZER	:	
Serial No.: 11/939,751	:	DECISION ON PETITION TO
Filed: November 14, 2007	:	MAKE SPECIAL FOR NEW
Docket: RPS920070201US1	:	APPLICATION UNDER 37
Title: METHODS FOR THE SUPPORT OF	:	C.F.R. § 1.102 & M.P.E.P. §
JTAG FOR SOURCE SYNCHRONOUS	:	708.02
INTERFACES	:	

This is a decision on the petition filed on November 14, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees that the dependent claims will be grouped together with and not to separately argue the patentability of any independent claim from which they depend during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions I. 1-4 & II. 1-5, 6.1 & 6.2 above are considered to have been met. However, the petition fails to comply with conditions II. 5.1 - 5.3 & 6.3 - 6.6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I)(H)<sup>1</sup> and items 5.1 - 5.3 above, the preexam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the (instant) claims. In addition, the preexam search must include all pertinent databases.

Specifically and with respect to items 5.1 - 5.3 above, Petitioner should identify whether the text search logic identified in the instant petition was utilized in combination with the field of search (i.e. class/subclass cl. 714/25, 30, 726, 727, 729, 731, 733, 744, cl. 324 & cl. 326 or separate therefrom (i.e. state whether or not the identified subclasses were searched in their entirety). In addition, based upon the claimed subject matter of the instant application, a search in the following class and subclass(es) is necessary in order to provide full coverage of where the most pertinent references are most likely to be found: 710/61 (I/O interface) as well as 326/16, 324/73.1, 763-765, 527 & 537. Further, the IEEE database has not been identified as having been searched and would be a necessary search for the pending instant claims.

With respect to the search logic identified, the following are noted: 1) the term JTAG (Joint Test Action Group) generally refers to compliance with the IEEE 1149.1 standard, but a search for compliance with the standard has not been performed (e.g. "IEEE 1149.1"); 2) as a result of 1), the term "control signal" should be searched rather than -JTAG control-; 3) there is no apparent reason why the search terms "DDR Memory", "Structure", "Configuration", and "Architecture" were searched as these terms do not appear in the instant claim language; and 4) with respect to claims 1 and 2, the following keyword (claim language) search is recommended to complete the search:

(connection or interconnection or connectivity)  
(gating or gate) and control  
register and multiplexer  
Test port or TAP

The additional search areas and search recommendations were confirmed with and recommended by a (primary) examiner in the pertinent art area.

With regard to the requirement of MPEP § 708.02(a)(I)(I)(3) and item 6.3 above, 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made." Specifically, Petitioner does not clearly point out the particular language of the instant claims 1 and 2 that distinguishes i.e. the patentability analysis does not track consistently with the identification of limitations in the claims that are disclosed

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<sup>1</sup> MPEP 8<sup>th</sup> ed. rev 5 August 2006

by the references cited. For instance, under “Detailed Explanation of Patentability” on page 5 of the instant petition, Petitioner identified the following language as not taught by either cited reference (U.S. 6,681,359 and U.S. 7,284,174): “delivering a JTAG control signal to the primary register and a clock signal gating control logic” ..... or “delivering a JTAG control signal to the primary register and the secondary register” or “delivering a clock signal to the multiplexer, wherein the clock signal is a stable but unknown value”. However, in each instance of identified claim language, Petitioner also identifies those limitations as having been taught by one or both of the references cited to be most closely related (see pages 3 and 4 of the instant petition for the claim language taught by the references). For these reasons, the petition does not meet the requirement of MPEP § 708.02(a)(I)(I)(3).

With regard to the requirement of MPEP § 708.02(a)(I)(I)(4) and item 6.4 above, the concise statement of the utility *must be of the invention as defined in each of the independent claims* i.e. reference must be made to the “Method for support of a JTAG interface for the testing of connectivity between integrated circuits” as recited in claims 1 and 2.

With respect to the requirement of MPEP § 708.02(a)(I)(I)(5) and item 6.5 above, Petitioner fails to identify where each limitation of the instant claims finds support under 35 USC 112, first paragraph, in the written description of the specification. Support for each limitation of each pending claim must be properly identified. Specifically, reference is made to the preamble recitation in each pending independent claim. Clarification and identification of support is required.

Finally, with respect to the requirement of MPEP § 708.02(a)(I)(I)(6) and item 6.6 above, Petitioner fails to identify which, of any cited references that may be disqualified under 35 USC 103(c). If none, Petitioner should indicate that “none of the references may be disqualified under 35 USC 103(c)”.

Thus, the petition does not meet the conditions II. 5.1-5.3 and 6.3-6.6 above.

#### DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given *a single opportunity* to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is permitted) from the date of this decision in order to be considered timely. Any request for reconsideration *must fully address all of the deficiencies indicated above*. [emphasis added]

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595.



---

Brian L. Johnson  
Quality Assurance Specialist, WG 2110  
Technology Center 2100



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,751	11/14/2007	Harry I. Linzer	RPS920070201US1	6558
59369	7590	01/29/2008	EXAMINER	
CANTOR COLBURN LLP - IBM RESEARCH TRIANGLE PARK 20 Church Street 22nd Floor Hartford, CT 06103			LOUIS JACQUES, JACQUES H	
			ART UNIT	PAPER NUMBER
			2112	
			MAIL DATE	DELIVERY MODE
			01/29/2008	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.



CANTOR COLBURN LLP - IBM  
RESEARCH TRIANGLE PARK  
20 CHURCH STREET  
22<sup>ND</sup> FLOOR  
HARTFORD, CT 06103

In re application of  
Harry LINZER  
Application No. 11/939,751  
Filed: November 14, 2007  
For: METHODS FOR THE SUPPORT OF JTAG  
FOR SOURCE SYNCHRONOUS INTERFACES

:  
:  
:  
:

**DECISION ON RENEWED  
PETITION TO MAKE SPECIAL  
FOR NEW APPLICATION  
UNDER 37 CFR 1.102**

This is a decision on the renewed petition filed on December 21, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on November 14, 2007. That petition was dismissed in a decision mailed December 5, 2007 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

In the decision mailed December 5, 2007, the reasons for the dismissal were identified to be inadequate preexamination search and an inadequate support document, specifically an inadequate detailed explanation of patentability.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions I. 1-4, II. 1-4, 5, 6.1, 6.2, & 6.4-6.6 above are considered to have been met. However, the renewed petition fails to comply with conditions II. 5.1-5.3 & 6.3 above. Therefore, the renewed petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

With respect to items 5.1-5.3 above, the revised class and subclass search indicated to have been performed appears to be incomplete and/or improper. Specifically, the previous decision identified the following required class/subclass search: 710/61; 326/16; and 324/73.1, 763-765, 527 & 537. The instant petition identified the following updated class/subclass search: 710/61; 714/25, 30, 726, 727, 729, 731, 733, 744; 763/; 764/; 765/; 527/; 537/; 324/73.1, 326/16. Therefore, the updated search in the instant petition lacks a search in class 324 subclasses 763-765, 527 & 537 as required.

In addition, a review of the search outlined in the renewed petition reveals that the additional search logic used in both patent and non-patent databases remains insufficient. Specifically, as identified in the previous decision, "the term JTAG (Joint Test Action Group) generally refers to compliance with the IEEE 1149.1 standard, but a search for compliance with the standard has not been performed (e.g. 'IEEE 1149.1')". The updated search logic in the instant petition does not include a search of the IEEE standard 1149.1 as required.

In addition and with respect to condition 6.3 above, the detailed explanation of **how each of the claims are patentable** over the references cited **with particularity required by 37 CFR 1.111(b) and (c) [emphasis added]** is incomplete. Note, it was assumed that after the supplemental search was completed, new references would be found that better read on the claimed invention and would be properly analyzed in the support document included with any renewed petition. However, the renewed petition fails to provide a detailed explanation of how instant claims 1 and 2 of the instant invention are patentable over the previously cited references to Au, et al. (U.S. patent 6,681,359) and Dubey (U.S. patent 7,284,174). As identified in the previous decision, Petitioner did not accurately point out the particular language that patentably distinguishes the instant claims. The instant petition failed to either provide a detailed

explanation in compliance with 37 CFR 1.111(b) and (c) of how **each of** the claims of the instant application (i.e. each of claims 1 & 2) are patentable over the references (identified above), or to provide a explicit statement on the record that the most closely related references are only the newly cited references (provided with the instant petition) to the exclusion of the first two most closely related references (cited previously and noted above).

For the above stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Brian Johnson at (571) 272-3595.



---

Brian L. Johnson  
Workgroup Quality Assurance Specialist  
Technology Center 2100  
Computer Architecture, Software, and Information Security  
(571) 272-3595



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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,769	11/14/2007	Kiyoshi Katano	10042295US01	6590

34904 7590 10/08/2009  
CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION  
15975 ALTON PARKWAY  
IRVINE, CA 92618-3731

EXAMINER
----------

ART UNIT	PAPER NUMBER
2193	

NOTIFICATION DATE	DELIVERY MODE
10/08/2009	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):

sivon.kalminov@cda.canon.com  
marlene.klein@cda.canon.com  
IPDocketing@cda.canon.com



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CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION  
15975 ALTON PARKWAY  
IRVINE, CA 92618-3731

In re Application of: KATANO ET AL.  
Application No. 11/939,769  
Filed: November 14, 2007  
Atty. Docket No.: 10042295US01  
For: INFORMATION PROCESSING  
APPARATUS, CONTROL METHOD FOR  
THE APPARATUS, AND INFORMATION  
PROCESSING SYSTEM

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY PILOT  
PROGRAM AND PETITION TO MAKE  
SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 06, 2009, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application 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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MCCARTER & ENGLISH, LLP NEWARK  
FOUR GATEWAY CENTER  
100 MULBERRY STREET  
NEWARK NJ 07102

**MAILED**

APR 13 2009

OFFICE OF PETITIONS

In re Application of

Paul V. Hayes

Application No. 11/939,819

Filed: November 14, 2007

Attorney Docket No.

:  
:  
:  
:  
:  
:  
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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 24, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Michael R. Friscia on behalf of all attorneys of record who are associated with Customer No. 27614.

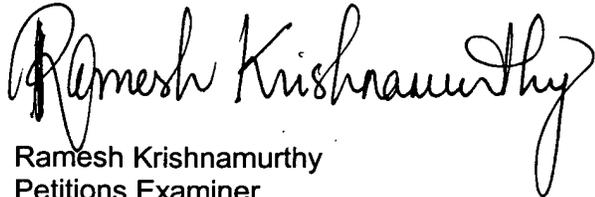
All attorneys/agents associated with the Customer No. 27614 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Paul V. Hayes at the address indicated in the request.

There is an outstanding Office action mailed January 13, 2009, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

A handwritten signature in black ink that reads "Ramesh Krishnamurthy". The signature is written in a cursive style with a large, prominent initial "R".

Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions

cc: Paul V. Hayes  
706 Palisade Avenue  
Union City NJ 07087



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/939,819	11/14/2007	Paul V. Hayes	99838-00008

**CONFIRMATION NO. 6671**

**POWER OF ATTORNEY NOTICE**

27614  
MCCARTER & ENGLISH, LLP NEWARK  
FOUR GATEWAY CENTER  
100 MULBERRY STREET  
NEWARK, NJ 07102



Date Mailed: 04/09/2009

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 12/24/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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.

<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	Application Number	11/939,819
	Filing Date	11/14/2007
	First Named Inventor	Paul V. Hayes
	Art Unit	2168
	Examiner Name	Ly, Cheyne D.
	Attorney Docket Number	99838-00008

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- all the practitioners of record;
- the practitioners (with registration numbers) of record listed on the attached paper(s); or
- the practitioners of record associated with Customer Number: 27614

NOTE: The immediately preceding box should only be marked when the practitioners were appointed using the listed Customer Number.

The reason(s) for this request are those described in 37 CFR :

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> 10.40(b)(1)    | <input type="checkbox"/> 10.40(b)(2)            | <input type="checkbox"/> 10.40(b)(3)                       | <input type="checkbox"/> 10.40(b)(4)     |
| <input type="checkbox"/> 10.40(c)(1)(i) | <input type="checkbox"/> 10.40(c)(1)(ii)        | <input type="checkbox"/> 10.40(c)(1)(iii)                  | <input type="checkbox"/> 10.40(c)(1)(iv) |
| <input type="checkbox"/> 10.40(c)(1)(v) | <input type="checkbox"/> 10.40(c)(1)(vi)        | <input type="checkbox"/> 10.40(c)(2)                       | <input type="checkbox"/> 10.40(c)(3)     |
| <input type="checkbox"/> 10.40(c)(4)    | <input checked="" type="checkbox"/> 10.40(c)(5) | <input type="checkbox"/> 10.40(c)(6) Please explain below: |  |

**Certifications**

Check each box below that is factually correct. WARNING: If a box is left unchecked, the request will likely not be approved.

- I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment.
- I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled.
- I/We have notified the client of any responses that may be due and the time frame within which the client must respond.

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**REQUEST FOR WITHDRAWAL  
AS ATTORNEY OR AGENT  
AND CHANGE OF CORRESPONDENCE ADDRESS**

Complete the following section only when the correspondence address will change. Changes of address will only be accepted to an inventor or an assignee that has properly made itself of record pursuant to 37 CFR 3.71.

Change the correspondence address and direct all future correspondence to:

A.  The address of the inventor or assignee associated with Customer Number: \_\_\_\_\_

**OR**

B.  Inventor or Assignee name Paul V. Hayes, Hudson Bay Wireless LLC

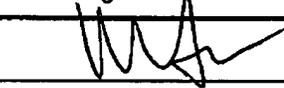
Address 706 Palisade Avenue

City Union City State NJ Zip 07087 Country US

Telephone 201-600-3369 Email pvhayes@optonline.net

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature



Name Michael R. Friscia, McCarter & English, LLP Registration No. 33,884

Address Four Gateway Center, 100 Mulberry Street

City Newark State NJ Zip 07102 Country US

Date 12/24/08 Telephone No. (973) 639-8493

**NOTE: Withdrawal is effective when approved rather than when received.**

[Page 2 of 2]

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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38210 Glenn Avenue  
WILLOUGHBY OH 44094-7808

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APR 09 2008

**OFFICE OF PETITIONS**

In re Application of :  
Mendes, Fedetoff, Killeen, and : DECISION REFUSING STATUS  
Krasnyansky : UNDER 37 CFR 1.47(a)  
Application Number: 11/939877 :  
Filing Date: 11/14/2007 :  
Attorney Docket Number: IFS- :  
17642.001 :

This is in response to the petition under 37 CFR 1.47(a) filed on March 7, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on November 14, 2007, with a declaration naming Lloyd Mendes, Olga Fedetoff, Timothy Killeen, and Michael Krasnyansky as joint inventors, signed by joint inventor Krasnyansky. Accordingly, on December 4, 2007, a Notice to File Missing Parts of Nonprovisional Application was mailed, requiring the signatures of the other inventors on the oath or declaration and a surcharge for its late filing.

Accordingly, on March 7, 2008, a declaration executed by joint inventors Mendes, and Killeen was filed, along with a petition

under 37 CFR 1.47(a). A one (1) month extension of time was also filed.

Petitioners state that a copy of the application and declaration was sent to joint inventor Fedetoff's current address, but that no response was received.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (2).

With regards to item (2) the declaration is defective in that it does not state the citizenship of non-signing inventor Fedetoff.<sup>1</sup>

A statement of the inventor's citizenship is a statutory requirement and cannot be waived.<sup>2</sup> A new oath or declaration, containing the residence, mailing address, and citizenship of all of the inventors, signed by all of the signing inventors on behalf of themselves and the non-signing inventor in compliance with 37 CFR 1.63 and 1.67 is required.

Petitioners are reminded that any oath or declaration filed with a renewed petition must identify both the application number and filing date of the application.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop Petition  
                              Commissioner for Patents  
                              P.O. Box 1450  
                              Alexandria, VA 22313-1450

---

<sup>1</sup> MPEP 605.01.

<sup>2</sup> 35 U.S.C. § 115, MPEP 605.01.

Application No. 11/939877

3

By FAX: (571) 273-8300  
Attn: Office of Petitions

By hand: Customer Service Window  
Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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**AUG 27 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Mendes, Fedotoff, Killeen, and : DECISION ACCORDING STATUS  
Krasnyansky : UNDER 37 CFR 1.47(a)  
Application Number: 11/939877 :  
Filing Date: 11/14/2007 :  
Attorney Docket Number: IFS- :  
17642.001 :

This is in response to the renewed petition under 37 CFR 1.47(a) filed on June 9, 2008.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Olga Fedotoff, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioners have shown, via the declaration of counsel's legal assistant, Lisa D'Ambrosia, that a copy of the application papers was sent to the non-signing inventor's last known address, but that the non-signing inventor failed to sign and return the declaration naming her as a joint inventor along with Lloyd Mendes, Timothy Killeen, and Michael Krasnyansky.

Furthermore, a proper declaration in compliance with 37 CFR 1.63 has been provided with the renewed petition.

As such, the showing of record is that the non-signing inventor has constructively refused to join in the filing of the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition, not the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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DWW Aug-08

Olga Fedotoff  
299 Huntsford Drive  
Macedonia, OH 44056

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**AUG 27 2008**

**OFFICE OF PETITIONS**

In re Application of  
Mendes et al.  
Application No. 11/939,877  
Filed: November 14, 2007  
For: METHOD AND FORMULATION FOR ENCHANCING LIFE OF EDIBLE OIL

Dear Ms. Fedotoff:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

RANKIN, HILL & CLARK LLP  
38210 GLENN AVE  
WILLOUGHBY OH 44094-7808



DORSEY & WHITNEY LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
SUITE 1500  
50 SOUTH SIXTH STREET  
MINNEAPOLIS MN 55402-1498

**COPY MAILED**

**JUN 02 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Amita Rastogi :  
Application No. 11/939,900 : **DECISION ACCORDING STATUS**  
Filed: November 14, 2007 : **UNDER 37 CFR 1.47(b)**  
Attorney Docket No. 189657/US :

This decision is in response to the petition filed March 27, 2008 and supplemented May 6, 2008, under 37 CFR 1.47(b).

The petition is **GRANTED**.

The above-identified application was filed on November 14, 2007. The application named Amita Rastogi as the sole inventor but was filed without an executed oath or declaration. A Notice to File Missing Parts was mailed December 11, 2007 requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration.

In response to the Notice to File Missing Parts, a petition under 37 CFR 1.47(b) was filed March 27, 2008 with a two month extension of time. The oath or declaration was not filed with the petition and thus, a Notice of Incomplete Reply was mailed April 11, 2008. In response thereof, with a three month extension of time, the applicant supplements the response and sees status under 37 CFR 1.47(b), that the inventor refuses to execute the oath or declaration and by her actions to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.

The petition is accompanied by proof that the application materials have been sent to the non-signing sole inventor Amita Rastogi and that she has expressly refused to execute the declaration. The petition is also accompanied by the petition fee, the last known address for Amita Rastogi and a declaration executed by Lee D. Valenta, Executive V.P., COO and

Assistant Treasurer, on behalf of Ingenix, Inc. and UnitedHealth Group, Inc., in the absence of a signature by the sole inventor, a copy of the employment agreement previously executed by the sole inventor to show proprietary interest and a statement that the application is filed to preserve the applicants rights in the application and to prevent irreparable harm.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). In view thereof, this application is hereby accorded Rule 1.47(b) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive style with a large, looped initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



CANTOR COLBURN LLP - IBM RESEARCH TRIANGLE PARK  
20 Church Street  
22nd Floor  
Hartford CT 06103

JAN 25 2008

In re Application of: Dickover et al.	:	DECISION ON PETITION TO
Application No.: 11/939,929	:	MAKE SPECIAL FOR NEW
Filed: November 14, 2007	:	APPLICATION UNDER 37
Title: PEN RETENTION APPARATUS	:	C.F.R. § 1.102 & M.P.E.P. §
	:	708.02
	:	
	:	

This is a decision on the petition filed on November 14, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the “Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination” published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

#### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO’s electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

#### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.1 5.3, 6, 6.1-6.4 and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.2 and 6.5 above. Therefore, the

petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

### Discussion

When referring to “the petition” herein below, the received papers under consideration include the four page PTO/SB/28 form “Petition to Make Special Under Accelerated Examination Program”, the “pre-examination search document” including pages 1-5; the “accelerated examination support document” comprising pages 1-14, and an Information Disclosure Statement (substitute PTO-1449 A).

Regarding the requirements of section II element 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 242 subclasses 379, 398, 400, 404, 406 and class 24 subclasses 10R, 11HC, 11R, and 11FE. Searching in class 248 under subclasses 200, 300 also appears to be on point.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies paragraphs with respect to claim numbers as opposed to the specifically required claim limitations identified by their element numbers.

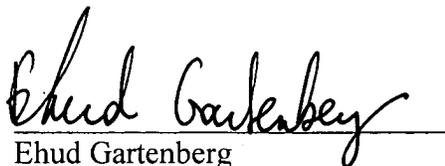
### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Programs Examiner, at (571) 272-4828.

A handwritten signature in cursive script that reads "Ehud Gartenberg". The signature is written in black ink and is positioned above a horizontal line.

Ehud Gartenberg  
Special Programs Examiner  
Technology Center 3700



CANTOR COLBURN LLP - IBM RESEARCH TRIANGLE PARK  
20 Church Street  
22nd Floor  
Hartford CT 06103

MAR 05 2008

In re Application of: Dickover, Wesley D., et al. : DECISION ON PETITION TO  
Serial No.: 11/939,929 : MAKE SPECIAL FOR NEW  
Filed: November 14, 2007 : APPLICATION UNDER 37  
Title: PEN RETENTION APPARATUS : C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the request for reconsideration filed on February 22, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The request has been treated as a renewed petition to make the above-identified application special and has been viewed as a supplement to and in combination with the original petition which was filed on November 14, 2007 and dismissed in the Office letter of January 25, 2008.

The petition to make the application special is **DENIED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the conditions as outlined in the prior petition decision. The conditions are not repeated herein.

#### REVIEW OF FACTS

As stated in the decision of January 25, 2008, conditions I: 1-4, II: 1-5, 5.1 5.3, 6, 6.1-6.4 and 6.6 were considered to have been met. However, the petition failed to comply with conditions II: 5.2 and 6.5. Upon reconsideration, the petition is considered to additionally meet II: 5.2. However, the petition still fails to meet the requirement of section II: 6.5. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

#### DISCUSSION

In the dismissal of the Petition dated January 25, 2008, the Examiner noted that:

“Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. The instant petition only identifies paragraphs with respect to claim numbers as opposed to the specifically required claim limitations identified by their element numbers.” (Emphasis added).

In the request for reconsideration filed February 22, 2008, Applicant repeats the initial type of mapping, e.g., on p. 14 paragraph 3:

“a cap comprising an expandable retention interface, the expandable retention interface disposed within the bore proximate the end and comprising a radially outwardly directed surface in contact with the annular interior surface; and (Figures 1 and 2 and paragraphs [0011] and [0013])”

Paragraphs [0011] and [0013] together extend for over approximately a page and a half. For this reason, Applicant failed to meet the requirements of section II element 6.5, because the specificity required for the mapping has not been satisfied. In the quotations cited the mapping referred to multiple paragraphs instead of referring to specific element numbers, and/or at least to page/paragraph and line numbers.

For future reference and as a courtesy to the Applicant, the Examiner reminds the mapping requirements for section II:

The requirement of section II element 6.2 can be satisfied by listing all the filed claims (i.e., the claims of the application) and by indicating where each limitation of each one of said filed claims is taught (or is not taught) in each one of the cited most closely related references, by specifically indicating the element number and/or the relevant page/paragraph and line numbers. This one-to-one mapping should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

The requirement of section II element 6.3 can be satisfied by listing all the filed claims (i.e., the claims of the application) and by indicating which specific limitation(s) in each one of said filed claims define(s) over each one of the most closely related references that has been cited. With regard to each dependent claim, there should be an unequivocal statement whether the patentability of each dependent claim is predicated solely on that of the claim from which it depends, or Applicant should provide a detailed explanation of patentability specific to that particular claim. This patentability showing should be performed individually, with regard to each one of the most closely related prior art that has been cited, one reference at a time.

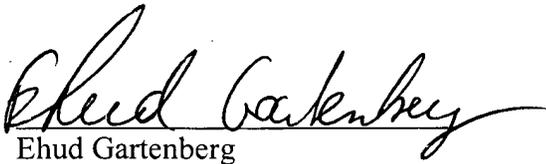
The requirement of section II element 6.5 can be satisfied by listing all the filed claims and by indicating where the application and the application(s) for which priority is claimed teach each limitation in each one of said filed claims, by indicating the element number and/or the relevant page and line numbers. Applicant’s attention is also drawn to the requirements relevant under 35 U.S.C 112, 6<sup>th</sup> paragraph, listed above. Should this requirement not apply to the present application, Applicant should make a statement in this regard.

## DECISION

For at least the above-stated reason (for failing to meet the requirement of section II: element 6.5), the petition is **DENIED**. The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Ehud Gartenberg, TC 3700 Special Program Examiner, at (571) 272-4828. In his absence, an inquiry can be directed to Colleen P. Cooke, Special Program Examiner, at 571 272-1170.

A handwritten signature in black ink that reads "Ehud Gartenberg". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Ehud Gartenberg  
Special Program Examiner  
Technology Center 3700



**COPY MAILED**

DEC 29 2009

**OFFICE OF PETITIONS**

FANELLI STRAIN & HAAG PLLC  
1455 PENNSYLVANIA AVE., NW  
SUITE 400  
WASHINGTON, DC 20004

In re Application of	:	
Claudia Betschart, et al.	:	
Application No. 11/939,936	:	DECISION ON REQUEST FOR
Filed: November 14, 2007	:	REVOCATION OF POWER
Attorney Docket No. 093286-0133	:	OF ATTORNEY
	:	

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed November 20, 2009.

The request is **NOT APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The request cannot be approved because the statement under 3.73(b) is not proper or no statement under 3.73(b) was filed.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). The power of attorney filed on November 20, 2009 does not include a proper chain in title.

In view of the above, the Notice of Acceptance of Power of Attorney mailed on December 1, 2009 is hereby **VACATED**. Please note that the Power of Attorney in this application will

remain with Foley & Lardner, LLP 3000 K Street, NW, Suite 500 Washington, DC 20007 until a proper revocation and power of attorney is filed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**HARMAN-BRINKS HOFER CHICAGO  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO IL 60610**

**MAILED**

**JUL 15 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Holt et al.	:	DECISION ON PETITION
Application No. 11/940,019	:	TO WITHDRAW
Filed: November 14, 2007	:	FROM RECORD
Attorney Docket No. P07094US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 15, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on July 6, 2009 the power of attorney to Harman - Brinks Hofer Chicago 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: The Eclipse Group LLP  
10605 Balboa Blvd., Suite 300  
Granada Hills CA 91344



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OSHA LIANG L.L.P.  
TWO HOUSTON CENTER  
909 FANNIN, SUITE 3500  
HOUSTON TX 77010

**MAILED**

**FEB 12 2009**

**OFFICE OF PETITIONS**

Applicant: Ichiyanagi  
Appl. No.: 11/940,039  
Filing Date: November 14, 2007  
Title: MEASURING SYSTEM AND METHOD, MEASURING APPARATUS AND METHOD, AND INFORMATION PROCESSING APPARATUS AND METHOD  
Attorney Docket No.: 15115/334001  
Pub. No.: 2008/0117093 A1  
Pub. Date: May 22, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 29, 2008, for the above-identified application.

The request is **DISMISSED**.

Applicant requests that the application be republished because the patent application publication contains a material error in the claim 6, wherein the phrase "sample data sampled" is misprinted as "sample at a sampled".

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected or revised patent application publication other than as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The error in claim 6, wherein the phrase "sample data sampled" is misprinted as "sample at a sampled" may be an Office error, but it is not a material Office error under 37 CFR 1.221. The error may be due to the quality of the text, as the text is small and of a poor quality. The text is faint and some of the letters are incomplete and thus lack clarity, 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).

<sup>1</sup>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 is small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

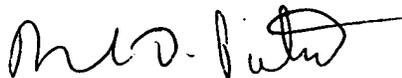
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/ebc/portal/tutorials.htm>

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



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United States Patent and Trademark Office  
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**5 COLUMBIA CIRCLE**  
**ALBANY, NY 12203**

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**OFFICE OF PETITIONS**

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FEB 27 2008

**OFFICE OF PETITIONS**

In re Application of

**LITTMAN, Howard et al.**  
Application No. 11/940,118  
Filed: November 14, 2007  
Attorney Docket No. **0094.113A**

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 14, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the inventor's driver's license as evidence that Howard Littman is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1794 for action on the merits commensurate with this decision.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



**PROCOPIO, CORY, HARGREAVES & SAVITCH LLP**  
**530 B STREET**  
**SUITE 2100**  
**SAN DIEGO CA 92101**

**COPY MAILED**

**JUL 1 0 2008**

**OFFICE OF PETITIONS**

In re Application of :  
**MENDOZA, Conrad** :  
Application No. 11/940,127 :  
Filed: November 14, 2007 :  
Attorney Docket No. 115071-001UTL :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 25, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Patric J. Rawlins on behalf of all attorneys of record who are associated with customer No. 27189. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-242-4231.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **CONRAD S. MENDOZA**  
**P.O. BOX 1158**  
**CAMAS, WA 98607**



**ORRICK, HERRINGTON & SUTCLIFFE, LLP**  
**IP PROSECUTION DEPARTMENT**  
**4 PARK PLAZA**  
**SUITE 1600**  
**IRVINE, CA 92614-2558**

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**MAR 31 2008**

In re Application of	:	
<b>CUMMING, J. Stuart</b>	:	
Application No. 11/940,169	:	DECISION ON PETITION
Filed: November 14, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 13533.4077	:	37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 04, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by J. Stuart Cumming attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3738 for action on the merits commensurate with this decision.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



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SCHLUMBERGER TECHNOLOGY CORPORATION/OSHA LIANG  
MR. BRYAN GALLOWAY, MANAGING IP COUNSEL  
5599 SAN FELIPE, SUITE 100  
HOUSTON TX 77056

MAILED

MAR 16 2009

OFFICE OF PETITIONS

Applicant: Carney  
Appl. No.: 11/940,222  
Filing Date: November 14, 2007  
Title: OILFIELD MANAGEMENT SYSTEM  
Attorney Docket No.: 09469/064002  
Pub. No.: US 2008/0126168 A1  
Pub. Date: May 29, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 14, 2008 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the specification wherein the last paragraph stating that other embodiments are envisioned is missing.

37 CFR 1.221(b) is applicable “only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected or revised patent application publication other than as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The error in omitting the paragraph is not a material Office error under 37 CFR 1.221. The paragraph does not contain substantive information. The application is clearly understandable to one of ordinary skill in the art reading the application and claims. The mistake does not affect the public’s ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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

<sup>1</sup>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).

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.

Applicants are advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

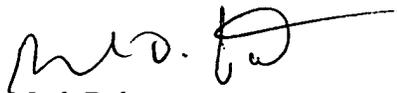
Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a “Pre-Grant Publication” and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/ebc/portal/tutorials.htm>

Inquiries relating to this matter may be directed to Mark 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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Byrne Poh LLP  
11 Broadway, Ste 865  
New York, NY 10004

Mail Date: 04/21/2010

**Applicant** : Angelos D. KEROMYTIS : DECISION ON REQUEST FOR  
**Patent Number** : 7660261 : RECALCULATION of PATENT  
**Issue Date** : 02/09/2010 : TERM ADJUSTMENT IN VIEW  
**Application No** : 11/940,231 : OF WYETH AND NOTICE OF INTENT TO  
**Filed** : 11/14/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **139** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/940,233	11/14/2007	Timothy Piumarta	PEAA 316	7395
23581	7590	11/05/2008	EXAMINER	
KOLISCH HARTWELL, P.C. 200 PACIFIC BUILDING 520 SW YAMHILL STREET PORTLAND, OR 97204			ART UNIT	PAPER NUMBER
			3618	
			MAIL DATE	DELIVERY MODE
			11/05/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



NOV 04 2008

Kolisch Hartwell, P.C.  
200 Pacific Building  
520 SW Yamhill Street  
Portland, OR 97204

In re application of	:	
Timothy Piumarta	:	<b>DECISION ON PETITION</b>
Application No. 11/940,233	:	<b>TO MAKE SPECIAL FOR</b>
Filed: November 14, 2007	:	<b>NEW APPLICATION</b>
For: REINFORCED SKATEBOARD DECK	:	<b>UNDER 37 CFR 1.102</b>

This is a decision on the petition filed on October 31, 2008 to make the above-identified application special for Infringement under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview;
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;
  - 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:
- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
  - 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
  - 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
  - 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
  - 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support

under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

#### REVIEW OF FACTS

The petition fails to comply with conditions II.1 above.

The petition to make special for Infringement under 37 C.F.R. § 1.102(d) is not acceptable at least because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on October 31, 2008, the petition must be considered under the new guidelines and thus is properly **DENIED**.

#### DECISION

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn. Further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.



Teri P. Luu  
Quality Assurance Specialist  
Technology Center 3600



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 11/940,240, 11/14/2007, Jin-Boo Son, 59189/P849, 7406
Row 2: 7590, 11/03/2009, CHRISTIE, PARKER & HALE, LLP, PO BOX 7068, PASADENA, CA 91109-7068
Row 3: EXAMINER: HJERPE, RICHARD A
Row 4: ART UNIT: 2629, PAPER NUMBER:
Row 5: MAIL DATE: 11/03/2009, DELIVERY MODE: 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

Abandonment date: 11/04/2009 #POWELL
11/03/2009 11/14/2007 08:00:474 031728 11940240
02 FC/1111 508.00 EX

Abandonment date: 11/04/2009 #POWELL
11/03/2009 11/14/2007 08:00:474 031728 11940240
02 FC/1111 508.00 EX



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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, DELIVERY MODE. Includes application details for Sung-Su Lee and examiner HJERPE, RICHARD A.

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.

Handwritten signature of Betty Powell

Patent Publication Branch
Office of Data Management

NO. 11/14/2007 11/14/2007 11/14/2007

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/940,259	11/14/2007	Jin Boo Son	59179/S1187	7440
7590 11/04/2009				
CHRISTIE, PARKER & HALE, LLP		EXAMINER		
PO BOX 7068		HJERPE, RICHARD A		
PASADENA, CA 91109-7068		ART UNIT	PAPER NUMBER	
		2629		
		MAIL DATE	DELIVERY MODE	
		11/04/2009	PAPER	

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C  
ONE FINANCIAL CENTER  
BOSTON, MA 02111

Mail Date: 04/21/2010

Applicant : Fengshan Zhang : DECISION ON REQUEST FOR  
Patent Number : 7644756 : RECALCULATION of PATENT  
Issue Date : 01/12/2010 : TERM ADJUSTMENT IN VIEW  
Application No : 11/940,261 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 11/14/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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Paper No.

Bobby K. Truong  
Hickman Palermo Truong & Becker, LLP  
Suite 550  
2055 Gateway Place  
San Jose CA 95110-1089

**COPY MAILED**

JAN 07 2008

**OFFICE OF PETITIONS**

In re Application of :  
Peter Von Der Ahe, Martin :  
Entlicher, and Roman Ondruska :  
Application No. 11/940,271 : DECISION ON PETITION  
Filed: November 14, 2007 : PURSUANT TO 37 C.F.R.  
Attorney Docket Number: 15437- : § 1.47(A)  
0924 :  
Title: EXPRESSION-LEVEL :  
DEBUGGING WITHOUT FORMAT :  
CHANGES :

This is in response to the petition under 37 C.F.R. § 1.47(a)<sup>1</sup>,  
submitted on filing on November 14, 2007.

On November 14, 2007, the application was filed, identifying  
Peter Von Der Ahe, Martin Entlicher, and Roman Ondruska as joint

<sup>1</sup> A grantable petition under 37 C.F.R. § 1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130, if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that either:
  - a) a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application, or
  - b) the non-signing inventor cannot be found or reached after diligent effort, and a statement that these efforts were not successful, and;
- (5) a declaration which complies with 37 C.F.R. § 1.63.

inventors. The application was deposited with a declaration that had been executed by each of the inventors save Mr. Von Der Ahe.

With the present petition, Petitioner has included the petition fee, an assertion that a complete copy of the application was sent to the non-signing inventor on a plurality of occasions, copies of USPS return receipt postcards, and the last known address of the non-signing inventor.

Petitioner has met requirements (1) and (3) - (5) of Rule § 1.47(a). The second requirement is not applicable. Therefore, the petition is **GRANTED** and this application is hereby accorded Rule § 1.47(a) status.

As provided in Rule § 1.47, this Office will forward notice of this application's filing to the non-signing inventor at the address given on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225<sup>2</sup>.



Paul Shanowski  
Senior Attorney  
Office of Petitions

---

<sup>2</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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**THOMPSON HINE L.L.P.**  
**Intellectual Property Group**  
**P.O. BOX 8801**  
**DAYTON OH 45401-8801**

**MAILED**

**APR 02 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Gordon Epstein, et al. :  
Application No. 11/940,289 : **DECISION ON PETITION**  
Filed: November 14, 2007 :  
Attorney Docket No. 074998-00006 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed, January 23, 2009 to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed December 6, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 7, 2008. The Notice of Abandonment was mailed August 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath, specification and \$65 surcharge, (2) the petition fee of \$810, 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 Terri Williams a (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for further processing.

A handwritten signature in black ink, appearing to read "Chris Bottorff".

Chris Bottorff  
Petitions Examiner  
Office of Petitions

cc: **Anthony H. Handal**  
**THOMPSON HINE LLP**  
**335 MADISON AVENUE**  
**NEW YORK, NY 10017-4611**



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NOV 30 2007

TECHNOLOGY CENTER 3600

Daniel Baril  
50 Ward Hill Avenue  
Haverhill, Massachusetts 01835

In re application of Daniel Baril et al.  
Application No. 11/940303  
Filed: November 14, 2007  
For: REMOTE ORDERING SYSTEM

: DECISION ON PETITION  
: TO MAKE SPECIAL FOR  
: NEW APPLICATION  
: UNDER 37 CFR 1.102

This is a decision on the petition filed on November 14, 2007 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.



Robert A. Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/jm: 11/28/07



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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JOHN S PRATT ESQ  
KILPATRICK STOCKTON LLP  
1100 PEACHTREE STREET  
ATLANTA GA 30309

**COPY MAILED**

**JAN 05 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Rivault, et al. :  
Application No. 11/940,409 : ON PETITION  
Filed: November 15, 2007 :  
Attorney Docket No. 37513/351126 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 24, 2008.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** a final agency decision within the meaning of 5 USC 704.

35 USC 122(b)(2)(B)(iii) states:

An applicant who has made a request under clause (I) but who subsequently files, in a foreign country or under a multilateral international agreement specified in clause (I), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application

being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

37 CFR 1.137(b) is the applicable regulation for reviving an application due to unintentional delay. A petition to revive under 37 CFR 1.137(b) pursuant to 37 CFR 1.137(f) must be accompanied by:

- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition does not meet requirement (1). Petitioner has not notified the Office of the date of the foreign filing. Form PTO/SB/64a is enclosed for petitioner's convenience.

Further correspondence with respect to this matter should be addressed as follows:

By mail:            Mail Stop Petitions  
                      Commissioner for Patents  
                      P.O. Box 1450  
                      Alexandria VA 22313-1450

By FAX:            (571)273-8300  
                      Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions

Enc: PTO/SB/64a (2 pages)  
      Privacy Act Statement (1 page)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT:** The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ Signature	_____ Date
_____ Typed or printed name	_____ Registration Number, if applicable
_____ Address	_____ Telephone Number
_____ Address	

- Enclosures:  Fee Payment  
 Additional sheets containing statements establishing unintentional delay  
 Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ Date	_____ Signature
	_____ Typed or printed name of person signing certificate

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



JOHN S PRATT ESQ  
KILPATRICK STOCKTON LLP  
1100 PEACHTREE STREET  
ATLANTA GA 30309

**COPY MAILED**

FEB 17 2009

**OFFICE OF PETITIONS**

In re Application of :  
Rivault, et al. :  
Application No. 11/940,409 : ON PETITION  
Filed: November 15, 2007 :  
Attorney Docket No. 37513/351126 :

This is a decision on the renewed petition under 37 CFR 1.137(b),  
filed January 15, 2009.

The petition is GRANTED.

Petitioner states that the instant application is the subject of  
an international application filed on September 5, 2008.  
However, the US Patent and Trademark Office was unintentionally  
not notified of this filings within 45 days subsequent to the  
filing of the PCT application.

In view of the above, this application became abandoned pursuant  
to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to  
timely notify the Office of the filing of an application in a  
foreign country, or under a multilateral international agreement,  
that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply, which is met by the notification of such  
filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

Petitioner's deposit account was erroneously charged \$1620 for the renewed petition. As petitioner previously submitted the petition fee on November 24, 2008, \$1620 has been refunded to Deposit Account No. 11-0855.

A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing is enclosed.

The application is being forwarded to Group Art Unit 3644 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions

Enc: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing (1 page)



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 4 columns: APPLICATION NUMBER (11/940,409), FILING OR 371(C) DATE (11/15/2007), FIRST NAMED APPLICANT (Jean-Yves Rivault), ATTY. DOCKET NO./TITLE (37513/351126)

CONFIRMATION NO. 7741

23370
JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

NONPUBLICATION RESCISSION
LETTER



Date Mailed: 02/17/2009

Communication Regarding Rescission Of
Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is WDNP.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

1 Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/ccongo/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 11/940,424, 11/15/2007, JAEYOUNG YEO, 0027.1039, 7765
Row 2: 7590, 10/26/2009, STEIN MCEWEN, LLP, 1400 EYE STREET, NW, SUITE 300, WASHINGTON, DC 20005
Row 3: EXAMINER, TRAN, THUY V
Row 4: ART UNIT, PAPER NUMBER, 2821
Row 5: NOTIFICATION DATE, DELIVERY MODE, 10/26/2009, ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell (handwritten signature)

Patent Publication Branch
Office of Data Management

11/15/2007 11:45:00 AM 11/15/2007 11:45:00 AM -510.00 00

11/15/2007 11:45:00 AM 11/15/2007 11:45:00 AM -510.00 00

Refund Ref: 0030075934  
10/26/2009

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Credit Card Refund Total: \$510.00

Am Exp.: XXXXXXXXXXXX1035



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/940,448 11/15/2007 Chia-Wei Wang 250212-1150 7806

7590 05/13/2009
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

EXAMINER

LE, TUNG X

ART UNIT PAPER NUMBER

2821

MAIL DATE DELIVERY MODE

05/13/2009

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Surmes (handwritten signature)

Patent Publication Branch
Office of Data Management

Refund Ref: 05/13/2009 0030070032

Adjustment date: 05/13/2009 NFARHER
01/02/2008 SDIRETA1 00000009 11940448
02 FC:2111 -255.00 OP

Credit Card Refund Total: \$255.00

Ad Exp.: XXXXXXXXXXXX1001



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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON DC 20036

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MAR 14 2008

**OFFICE OF PETITIONS**

In re Application of :  
Shinya Kawasaki :  
Application No. 11/940,450 : ON PETITION  
Deposited: November 15, 2007 :  
Attorney Docket No. 072480 :

This is in response to the “RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION” filed January 3, 2008, requesting that the above-referenced application be accorded a filing date of November 15, 2007. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>.

Application papers in the above-identified application were deposited on November 15, 2007. However, on November 28, 2007, the Office of Patent Application Processing mailed applicants a “Notice of Incomplete Nonprovisional Application,” notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioner’s arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one process claim. MPEP 601.01(f) provides that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, “Application Entitled to a Filing Date,” applicant

---

<sup>1</sup> Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

[i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of November 15, 2007 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to November 15, 2007;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed January 3, 2008 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Charlema Grant at (571) 272-3215.



Anthony Knight  
Supervisor  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 COLUMBIA CIRCLE  
ALBANY NY 12203

**COPY MAILED**  
**SEP 23 2008**

In re Application of	:	
Levi A. Campbell et al.	:	
Application No. 11/940,471	:	DECISION ON PETITION
Filed: November 15, 2007	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.181(A)
POU920040139US2	:	
Title: ISOLATION VALVE AND	:	
COOLANT CONNECT/DISCONNECT	:	
ASSEMBLIES AND METHODS OF	:	
FABRICATION FOR INTERFACING A	:	
LIQUID COOLED ELECTRONICS	:	
SUBSYSTEM AND AN ELECTRONICS	:	
HOUSING	:	

This is a decision on the petition filed September 10, 2008, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed December 13, 2007, which set a shortened statutory period for reply of two months. No response was

received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on February 14, 2008. A notice of abandonment was mailed on August 26, 2008.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee ( 35 U.S.C. 151) or for failure to prosecute ( 35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt

of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

#### ANALYSIS

With this petition, Petitioner has stated that the notice of December 13, 2007 was not received at the correspondence address of record. Petitioner has further included both a copy of the

master docket and a copy of the individual docket record for this application.

However, Petitioner has failed to either **describe the docketing system** that Petitioner has in place or establish that it is **sufficiently reliable**. Petitioner has asserted that upon receipt of a communication from the Office, the communication is date-stamped and then forwarded to the docketing department where the appropriate due date is entered into an electronic docketing system.<sup>1</sup> This statement **insufficient to either describe the docketing system or establish the reliability of the same**, for the petition is silent as to **how these two docketing systems serve to ensure that the correspondence recorded therein is responded to in a timely manner**. Does the electronic docketing system generate reports that are distributed to the responsible attorneys/agents? Does it generate periodic reminders prior to the due dates? If so, are these reminders distributed to the responsible attorneys/agents? Similarly, is the master docket analyzed and the corresponding due dates distributed to the responsible attorneys/agents?

Moreover, Petitioner has not stated 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.<sup>2</sup>

#### CONCLUSION

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,<sup>3</sup> hand-delivery,<sup>4</sup> or facsimile.<sup>5</sup> Registered

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1 Radigan declaration of facts, paragraph 4.

2 In the fifth paragraph of his declaration of facts, Mr. Radigan indicates that no electronic or paper record "exists in our office" where the notice was stamped as received and docketed. This statement suggests that both the application contents and the electronic docket records have been searched, but such a statement has not been explicitly included.

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

5 (571) 273-8300- please note this is a central facsimile number.

users of EFS-Web may alternatively submit a response to this decision via EFS-Web.<sup>6</sup>

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>7</sup> All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>6</sup> <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

<sup>7</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).



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Paper No.

HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 COLUMBIA CIRCLE  
ALBANY NY 12203

**COPY MAILED**

**DEC 05 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Levi A. Campbell et al.	:	
Application No. 11/940,471	:	DECISION ON RENEWED PETITION
Filed: November 15, 2007	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.181(A)
POU920040139US2	:	
Title: ISOLATION VALVE AND	:	
COOLANT CONNECT/DISCONNECT	:	
ASSEMBLIES AND METHODS OF	:	
FABRICATION FOR INTERFACING A	:	
LIQUID COOLED ELECTRONICS	:	
SUBSYSTEM AND AN ELECTRONICS	:	
HOUSING	:	

This is a decision on the renewed petition filed November 6, 2008, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

BACKGROUND AND PROCEDURAL HISTORY

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed December 13, 2007, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on February 14, 2008. A notice of abandonment was mailed on August 26, 2008.

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on September 10, 2008, and was dismissed via the mailing of a decision on September 23, 2008.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c) (I) (A) of the MPEP sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee ( 35 U.S.C. 151) or for failure to prosecute ( 35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt

of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

#### ANALYSIS

With the original petition, Petitioner stated that the notice of December 13, 2007 was not received at the correspondence address of record. Petitioner further included a copy of the master

docket and a copy of the individual docket record for this application.

The decision on the original petition indicated that the original petition was dismissed due to the fact that Petitioner failed to sufficiently describe the docketing system, establish that it is sufficiently reliable, and indicate that a search of both the file jacket and the application file contents indicated that the Office action was not received.

With this renewed petition, Petitioner has provided an adequate description of the docketing system that establishes that it is sufficiently reliable.<sup>1</sup> Petitioner has further indicated that a search of both the file jacket and the application file contents indicates that the Office action was not received.<sup>2</sup>

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the notice of December 13, 2007 was not received.

Accordingly, the petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

It is noted that the fee that is associated with the filing of excess claims was received with the original petition on September 10, 2008. Petitioner has re-submitted this fee with this renewed petition. The duplicate payment will be refunded to Petitioner's Deposit Account.

#### CONCLUSION

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

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1 Radigan declaration of facts, paragraph 5, sections (b) and (c).

2 Id at 6.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.<sup>3</sup>

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

---

<sup>3</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 05/19/10

TO SPE OF : ART UNIT 2831

SUBJECT : Request for Certificate of Correction for Appl. No.: 11940490 Patent No.: 7616000

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)  
Randolph Square 9D40-D  
Palm Location 7580**

~~You can fax the Director's SPE response to 571-270-9990~~

*Lamonte Newsome*  
Certificates of Correction Branch  
703-756-1574

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

**Comments:** Changes are editorial and do not affect scope of the invention.

Formatted: Indent: Left: 1.22"

Diego Gutierrez/  
SPE, AU 2831

6/3/2010

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Deleted: \_\_\_\_\_

**SPE**

**Art Unit**

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 2

PATENT NO. : 7,616,000 B2

APPLICATION NO. : 11/940,490

ISSUE DATE : November 10, 2009

INVENTOR(S) : Chu, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

$Z_{OL} = \frac{1}{\frac{1}{R_{OL}} - j\omega C_{OSS}};$

In Column 5, Lines 25-27, in Eq. “[5]”, delete “ $\frac{1}{R_{OL}} - j\omega C_{OSS}$ ” and

$$Z_L = Z_{OL} = \frac{1}{\frac{1}{R_{OL}} - j\omega C_{OSS}}$$

insert - - - -, therefor.

$Z_{OL} = \frac{1}{\frac{1}{R_{OL}} - j\omega C_{OSS}};$

In Column 6, Lines 29-32, in Claim 3, delete “ $\frac{1}{R_{OL}} - j\omega C_{OSS}$ ” and

$$Z_L = Z_{OL} = \frac{1}{\frac{1}{R_{OL}} - j\omega C_{OSS}};$$

insert - - - -, therefor.

### MAILING ADDRESS OF SENDER (Please do not use customer number below):

GE Global Research  
One Research Circle K14A59  
Niskayuna, New York 12309

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 2 of 2

PATENT NO. : 7,616,000 B2

APPLICATION NO. : 11/940,490

ISSUE DATE : November 10, 2009

INVENTOR(S) : Chu, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In Column 7, Lines 27-30, in Claim 9, delete “  $Z_{OL} = \frac{1}{\frac{1}{R_{OL}} - j\omega C_{OSS}}$  ” and  
insert --  $Z_L = Z_{OL} = \frac{1}{\frac{1}{R_{OL}} - j\omega C_{OSS}}$  --, therefor.

In Column 8, Lines 31-34, in Claim 12, delete “  $Z_{OL} = \frac{1}{\frac{1}{R_{OL}} - j\omega C_{OSS}}$  ” and  
insert --  $Z_L = Z_{OL} = \frac{1}{\frac{1}{R_{OL}} - j\omega C_{OSS}}$  --, therefor.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

GE Global Research  
One Research Circle K14A59  
Niskayuna, New York 12309

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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GAUTHIER & CONNORS, LLP  
225 FRANKLIN STREET  
SUITE 2300  
BOSTON, MA 02110

Mail Date: 04/21/2010

Applicant : Chiping Chen : DECISION ON REQUEST FOR  
Patent Number : 7619224 : RECALCULATION of PATENT  
Issue Date : 11/17/2009 : TERM ADJUSTMENT IN VIEW  
Application No : 11/940,495 : OF WYETH AND NOTICE OF INTENT TO  
Filed : 11/15/2007 : ISSUE CERTIFICATE OF CORRECTION  
:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **110** 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.



VIDAS, ARRETT & STEINKRAUS, P.A.  
SUITE 400, 6640 SHADY OAK ROAD  
EDEN PRAIRIE MN 55344

**COPY MAILED**

**NOV 17 2008**

**OFFICE OF PETITIONS**

In re Application of :  
James Lee Shippy III et al. :  
Application No. 11/940,503 :  
Filed: November 15, 2007 :  
Attorney Docket No. **S63.2P-14164-US02** :

**ON PETITION**

This is a decision on the petition filed October 16, 2008, to withdraw the holding of abandonment. The petition is being treated under 37 CFR 1.181(b) in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned February 12, 2008 for failure to file a timely response to the Notice to File Missing Parts mailed December 12, 2007. Accordingly, a Notice of Abandonment was mailed August 20, 2008.

Petitioner asserts that the Notice to File Missing Parts was never received.

The file record discloses that the Notice to File Missing Parts was mailed to JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017 which was, at the time, the address of record and the same address used on all correspondences from the USPTO including the Notice of Abandonment. Petitioner has provided a copy of the master docket from JONES DAY wherein receipt of the Notice to File Missing Parts mailed December 12, 2007 would have been filed had it been received. Petitioner also documents the procedures used for handling of USPTO correspondence in an effort to show that the Notice mailed December 17, 2007 was not received.

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the Notice to File Missing Parts mailed December 12, 2007, it is apparent that the Notice to File Missing Parts was not received. The evidence submitted corroborates non-receipt of the Notice to File Missing Parts.

In view of the facts set forth in the petition, it is concluded that the Notice to File Missing Parts was never received at the address of record. Accordingly, the holding of

abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive style with a large initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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DAVID K. LUCENTE; SEAGATE TECHNOLOGY LLC  
INTELLECTUAL PROPERTY DEPT. - COL2LGL  
389 DISC DRIVE  
LONGMONT, CO 80503

Mail Date: 04/21/2010

<b>Applicant</b>	: KianKeong Ooi	: DECISION ON REQUEST FOR
<b>Patent Number</b>	: 7576939	: RECALCULATION of PATENT
<b>Issue Date</b>	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
<b>Application No</b>	: 11/940,521	: OF WYETH AND NOTICE OF INTENT TO
<b>Filed</b>	: 11/15/2007	: 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.