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22 MAY 2008

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INTELLECTUAL PROPERTY / TECHNOLOGY LAW
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RESEARCH TRIANGLE PARK NC 27709

In re Application of	:	
JUNG, et al.	:	
U.S. Application No.: 11/995,847	:	DECISION ON PETITION
PCT No.: PCT/KR06/00493	:	
Int. Filing Date: 13 February 2006	:	UNDER 37 CFR 1.182
Priority Date: 18 July 2005	:	
Attorney's Docket No.: 4240-169	:	
For: COSMETIC PIGMENT COMPOSITION CONTAINING GOLD OR SILVER NANO-PARTICLES	:	

This decision is in response to applicant's facsimile correspondence filed 16 April 2008 in the United States Patent and Trademark Office (USPTO). For the reasons detailed below the response is being treated as a petition under 37 CFR 1.182.

BACKGROUND

On 13 February 2006, applicant filed international application PCT/KR06/00493, which claimed priority of an earlier application filed 18 July 2005. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 25 January 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 18 January 2008.

On 16 January 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an application data sheet and a First preliminary amendment. Applicant did not file an executed oath or declaration of the inventor.

On 16 April 2008, applicant filed a combined declaration and power of attorney accompanied by payment of the surcharge for filing an executed oath or declaration of the inventors later than thirty months from the priority date.

DISCUSSION

The filed declaration does not comply with 37 CFR 1.497(a)-(b). Specifically, the declaration lists and identifies the first inventor as Bong Hyun CHUNG whereas the published international application identifies the inventor as Bong Hyun JUNG. The ADS filed on 16

January 2008 also identifies the inventor as Bong Hyun JUNG.

The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

As applicant has not provided either a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **DISMISSED**.

Applicant is hereby afforded **TWO (2) MONTHS** to file a proper response as detailed above. The response should be titled, "Renewed Petition Under 37 CFR 1.182." In order to be considered the renewed petition must provide payment of the $400.00 petition fee.

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

Derek A. Putonen
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19 AUG 2008

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PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709

In re Application of :
JUNG, et al. :
U.S. Application No.: 11/995,847 : DECISION ON PETITION
PCT No.: PCT/KR06/00493 :
Int. Filing Date: 13 February 2006 : UNDER 37 CFR 1.182
Priority Date: 18 July 2005 :
Attorney's Docket No.: 4240-169 :
For: COSMETIC PIGMENT COMPOSITION CONTAINING GOLD OR SILVER NANO-PARTICLES :

This decision is in response to applicant's renewed petition under 37 CFR 1.182 filed 14 August 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 22 May 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.182. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR /1136(a).

On 14 August 2008, applicant filed the present renewed petition accompanied by a petition for a one-month extension of time. The response is considered timely filed.

DISCUSSION

In response to the decision of 22 May 2008, applicant has supplied a signed statement of the inventor in question detailing the change in his name and it is therefore proper to grant the renewed petition at this time. The application data sheet which accompanies the renewed petition will be made of record in the case.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

The application has an international filing date of 13 February 2006 under 35 U.S.C. 363 and will be given a date of **16 April 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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21 APR 2009

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

In re Application of AHLMARK et al	:	
U.S. Application No.: 11/995,878	:	
PCT Application No.: PCT/FI2006/000257	:	DECISION
Int. Filing Date: 17 July 2006	:	
Priority Date Claimed: 18 July 2005	:	
Attorney Docket No.: 06267.0156-00000	:	
For: NEW PHARMACEUTICAL COMPOUNDS	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 26 November 2008.

BACKGROUND

On 17 July 2006, applicant filed international application PCT/FI2006/000257, which claimed priority of an earlier United States application filed 18 July 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 25 January 2007. The thirty-month period for paying the basic national fee in the United States expired on 18 January 2008.

On 16 January 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 29 April 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 November 2008, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

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

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

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

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

The petition states that joint inventor Reijo Bäckström refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Mr. Bäckström for signature (see affidavit of Marcus Gustafsson, ¶3). Furthermore, the petition sufficiently evidences Mr. Bäckström's refusal to sign. In particular, Mr. Bäckström made an express oral refusal to sign during a telephone conversation on 14 March 2008 (see Gustafsson affidavit, ¶4). Thus, it can be concluded with reasonable certainty that Mr. Bäckström refuses to join in the application.

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

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 17 July 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 26 November 2008.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
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21 APR 2009

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Reijo Bäckström
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00360 Helsinki
FINLAND

In re Application of AHLMARK et al
U.S. Application No.: 11/995,878
PCT Application No.: PCT/FI2006/000257
Int. Filing Date: 17 July 2006
Priority Date Claimed: 18 July 2005
For: NEW PHARMACEUTICAL COMPOUNDS

Dear Reijo Bäckström:

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

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

Bryan Lin

Bryan Lin
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WASHINGTON, DC 20001-4413
Attorney Docket No.: 06267.0156-00000

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CST

June 29, 2009

In re application of	:	DECISION ON REQUEST TO
Akihiro Yasukawa	:	PARTICIPATE IN PATENT
Serial No. 11/995,896	:	PROSECUTION HIGHWAY
Filed: January 16, 2008	:	PROGRAM AND
For: AIR CONDITIONING APPARATUS	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed January 16, 2008.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO; note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

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

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

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

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

22 JAN 2009

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CHICAGO IL 60601-6731

In re Application of:
SHORT, Jeremy, R., et al.
U.S. Application No.: 11/995,914
PCT No.: PCT/US2006/027332
International Filing Date: 14 July 2006
Priority Date: 19 July 2005
Atty's Docket No.: 702417
For: INTUITIVE TRADING SYSTEM AND INTERFACE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition By Joint Inventor Filing On Behalf Of Joint Inventor Who Refuses To Join In Application Or Cannot Be Reached (37 CFR 1.47(a))" filed 29 September 2008. Applicants have paid the required petition fee.

BACKGROUND

On 14 July 2006, applicants filed international application PCT/US2006/027332. The international application claimed a priority date of 14 July 2005, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 19 January 2008.

On 16 January 2008, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 28 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and an additional search fee were required.

On 29 September 2008, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of inventor Jeremy R. SHORT, whom applicants assert has

refused to execute the application. In addition, applicants' response correctly asserts that no additional search fee is required herein.[1]

DISCUSSION

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

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

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

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

Applicants have filed a declaration executed by one of the two inventors of record which contains an unsigned signature block for the non-signing inventor, as well as an added sheet by which the signing inventor expressly indicates that he is executing the declaration on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

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

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

Here, as evidence of the efforts made to obtain the non-signing inventor's signature, applicants have provided a statement from Judith Goldberg, accompanied by supporting documents. Ms. Goldberg provides a firsthand statement confirming her telephone discussion with the inventor's mother confirming the inventor's mailing address. However, Ms. Goldberg is not the person who signed the letters directed to the non-signing inventor, and it therefore does not appear that she is the appropriate person to provide the statement confirming such mailings

[1] The USPTO was the ISA for the international application. Accordingly, the appropriate small entity search fee is $50, the amount previously submitted by applicants. See 37 CFR 1.492(b)(2).

and the enclosures included with such mailings. Rather, a firsthand statement from Phillip M. Pippenger, the person who signed such letters, is required.

Supplemental, firsthand materials must be provided to confirm the signature requests mailed to the non-signing inventor, the enclosures included therewith, and the inventor's failure to respond to such requests. Until such materials are provided, item (4) is not satisfied.

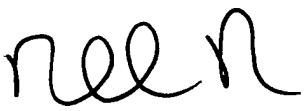
CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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



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18 MAR 2009

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In re Application of:
SHORT, Jeremy, R., et al.
U.S. Application No.: 11/995,914
PCT No.: PCT/US2006/027332
International Filing Date: 14 July 2006
Priority Date: 19 July 2005
Atty's Docket No.: 702417
For: INTUITIVE TRADING SYSTEM AND INTERFACE

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 04 February 2009. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 22 January 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, the decision indicated that applicants had failed to provide an acceptable showing that the non-signing inventor had refused to execute the application.

On 04 February 2009, applicants filed the renewed petition considered herein.

DISCUSSION

The previous decision found applicants' showing with respect to the inventor's refusal to sign deficient because Judith Goldberg, the person who provided the statement of facts in support of the petition, was not the person who signed the letters directed to the non-signing inventor, and it therefore was not clear whether Ms. Goldberg was the appropriate person to provide the statement confirming the mailing of such letters. In the renewed petition, Phillip M. Pippenger, the attorney who signed the mailing to applicants, confirms that Ms. Goldberg is the proper person to provide the statement of facts here in that she was the person responsible for preparing this correspondence, packaging the letters (including enclosures), and arranging for delivery of the letters. Based on the statements in the present renewed petition, it is accepted that Ms. Goldberg has the required firsthand knowledge to make the statement of facts supporting the present petition.

In view of the above, the statement from Judith Goldberg (and accompanying materials) included with the original petition are accepted as providing an adequate showing that a request for signature, accompanied by a copy of the complete application, has been delivered to the address of the non-signing inventor, and that the inventor has refused to provide the requested signature in response to such request. This is sufficient to support the conclusion that the non-signing inventor has refused to execute the present application. Applicants have therefore satisfied the final element of a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventor Jeremy R. SHORT.

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

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 29 September 2008.

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UNITED STATES PATENT AND TRADEMARK OFFICE

18 MAR 2009

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Jeremy R. SHORT
1062 W. Buffington Street
Upland, CA 91784

In re Application of: SHORT, Jeremy, R., et al.
U.S. Application No.: 11/995,914
PCT No.: PCT/US2006/027332
International Filing Date: 14 July 2006
Priority Date: 19 July 2005
Atty's Docket No.: 702417
For: INTUITIVE TRADING SYSTEM AND INTERFACE

Dear Mr. SHORT:

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

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

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Counsel Of Record:
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09 MAY 2008

In re Application of AAY et al :
U.S. Application No.: 11/995,928 :
PCT Application No.: PCT/US2006/039126 :
Int. Filing Date: 05 October 2006 :
Priority Date Claimed: 07 October 2005 : DECISION
Attorney Docket No.: 05-601-B-WO-US :
For: AZETIDINES AS MEK INHIBITORS FOR :
THE TREATMENT OF PROLIFERATIVE :
DISEASES :

This is in response to applicant's "Request for Correction of Inventorship Under 37 C.F.R. § 1.48(f)(1) and 1.497(d) and (f)" filed 16 January 2008.

BACKGROUND

On 05 October 2006, applicant filed international application PCT/US2006/039126, which claimed priority of an earlier United States application filed 07 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 07 April 2008.

On 16 January 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Steven DeFina and Charles Blazey should be added as inventors. The DO/EO/US has received a Notification of the Recording of a Change (Form PCT/IB/306), which indicates that Steven DeFina and Charles Blazey have been added as inventors in the international stage.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 05 October 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 16 January 2008.

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

Bryan Lin

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 05/19/2010

Applicant	: Kyoung Rok Roh	: DECISION ON REQUEST FOR
Patent Number	: 7652152	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/996,011	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/17/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **128** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

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WASHINGTON, DC 20006-1109

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OCT 21 2009

OFFICE OF PETITIONS

In re Application of :
John R. Mangiardi :
Application No. 11/996,013 : DECISION ON PETITION
Filed: February 6, 2008 : TO WITHDRAW
Attorney Docket No. 68320.000047 : 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
11/996,013	02/06/2008	John R. Mangiardi	68320.000047

CONFIRMATION NO. 3255

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: 10/05/2009

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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OFFICE OF PETITIONS

In re Application of :
John R. Mangiardi :
Application No. 11/996,018 : DECISION ON PETITION
Filed: February 6, 2008 : TO WITHDRAW
Attorney Docket No. 68320.000063 : 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, 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
11/996,018	02/06/2008	John R. Mangiardi	68320.000063

CONFIRMATION NO. 3281

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: 10/15/2009

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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OCT 21 2009

OFFICE OF PETITIONS

In re Application of :
John R. Mangiardi :
Application No. 11/996,026 : DECISION ON PETITION
Filed: February 6, 2008 : TO WITHDRAW
Attorney Docket No. 68320.000079 : 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/996,026	02/06/2008	John R. Mangiardi	68320.000079

CONFIRMATION NO. 3314

POWER OF ATTORNEY NOTICE

58785
HUNTON & WILLIAMS/NEW YORK
INTELLECTUAL PROPERTY DEPT.
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

OC000000038119780

Date Mailed: 10/05/2009

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/

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OCT 21 2009

OFFICE OF PETITIONS

In re Application of :
John R. Mangiardi :
Application No. 11/996,031 : DECISION ON PETITION
Filed: February 6, 2008 : TO WITHDRAW
Attorney Docket No. 68320.000039 : 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
11/996,031	02/06/2008	John R. Mangiardi	68320.000039

CONFIRMATION NO. 3335

POWER OF ATTORNEY NOTICE

58785
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1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Date Mailed: 10/02/2009

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/

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OFFICE OF PETITIONS

In re Application of :
John R. Mangiardi :
Application No. 11/996,038 : DECISION ON PETITION
Filed: February 6, 2008 : TO WITHDRAW
Attorney Docket No. 68320.000055 : 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, 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
11/996,038	02/06/2008	John R. Mangiardi	68320.000055

CONFIRMATION NO. 3379

POWER OF ATTORNEY NOTICE

58785
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1900 K STREET, N.W.
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OC00000038298723

Date Mailed: 10/15/2009

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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25 JUL 2008

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In re Application of	:	
MANGIARDI	:	
Application No.: 11/996,043	:	
PCT No.: PCT/US06/28226	:	DECISION ON PETITION
International Filing Date: 20 July 2006	:	
Priority Date: 20 July 2005	:	UNDER 37 CFR 1.182
Attorney Docket No.: 68320.000031	:	
For: HOSPITAL OPERATING ROOM RE-DESIGN	:	

This is a decision on applicant's "Communication", filed in the United States Patent and Trademark Office on 20 June 2008 and treated as a petition under 37 CFR 1.182 to correct international application number on applicant's request for U.S. national stage entry.

On 17 January 2008, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 11/996,043. However, the international application number **PCT/US06/24226** identified on the transmittal letter and the Electronic Acknowledgement Receipt differed from the international application number **PCT/US06/28226** which appeared on the specification, abstract and unexecuted declaration.

On 30 May 2008, a Notification of Missing Requirements was mailed to applicant indicating that the declaration was not in compliance with 37 CFR 1.497(a) and (b) because it did not identify the application to which it was directed and that the wrong international application number appeared on the transmittal letter and on Electronic Acknowledgement Receipt.

On 20 June 2008, Applicant responded to the Notification indicating that the incorrect international number appeared on the transmittal letter and Electronic Acknowledgement Receipt. Applicant submitted a substitute transmittal letter with the correct international application number **PCT/US06/28226** and an executed declaration directed to **PCT/US06/28226**.

Applicant's communication will be considered as a petition under 37 CFR 1.182 to correct the international application no. to **PCT/US06/28226** on the national stage papers filed on 17 January 2008. The petition is **GRANTED**. The $400 petition fee will be charged to applicant's

deposit account per his authorization.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision. The USPTO records will identify the present application 11/996,043 as a national stage of **PCT/US06/28226**.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571)272-3286
Facsimile: (571)273-0459

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OCT 21 2009

OFFICE OF PETITIONS

In re Application of :
John R. Mangiardi :
Application No. 11/996,043 : DECISION ON PETITION
Filed: June 20, 2008 : TO WITHDRAW
Attorney Docket No. 68320.000031 : 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/996,043	06/20/2008	John R. Mangiardi	68320.000031

CONFIRMATION NO. 3417

58785
HUNTON & WILLIAMS/NEW YORK
INTELLECTUAL PROPERTY DEPT.
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

POWER OF ATTORNEY NOTICE

OC000000038119993

Date Mailed: 10/05/2009

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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18 FEB 2009

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26530
LADAS & PARRY LLP
224 South Michigan Ave.
Suite 1600
Chicago, IL 60604

In re Application of :
KIM *et al* :
U.S. Application No.: 11/996,085 :
PCT No.: PCT/KR2006/002831 :
Int. Filing Date: 19 July 2006 : **DECISION**
Priority Date: 19 July 2005 :
Attorney Docket No.: CU-6364 WWP :
For: OPTIMAL ENCODER AND ENCODING METHOD FOR DUAL STREAM SYSTEM :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 04 December 2008.

BACKGROUND

On 23 June 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 04 December 2008, applicants filed a response which was accompanied by, *inter alia*, the subject petition, a declaration signed by six of the seven named inventors; a statement of facts; a four-month extension and fee; the $65.00 surcharge fee and authorization to charge any required fee to Deposit Account No. 12-0400.

DISCUSSION

Applicants claim that co-inventor, Seung-Won Kim, cannot be located after a diligent effort and have filed the subject petition in response to the Form PCT/DO/EO/905 mailed 30 November 2007.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventors cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Items (1), (3) and (4) are satisfied. The $200.00 petition fee was charged to Deposit Account No. 12-0400 as authorized. The last known address of the nonsigning inventor was provided. The declaration executed by six of the seven named inventors is in compliance with 37 CFR 1.497(a) and (b),

Regarding item (2), applicants' burden in showing that an inventor cannot be located is explained in section 409.03(d)(I) of the MPEP which states, in part:

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

In this case, petitioners have submitted a statement of facts by Mr. Hyang-Sil Kim detailing the steps taken to locate the whereabouts of the nonsigning inventor. These steps consisted of sending a letter to the last known address of the nonsigning inventor and performing a "search" of the telephone directories of persons residing at Seo-gu, Daejon, Republic of Korea. Applicants explain that this area is one where the nonsigning inventor is most likely to reside. Applicants then called all 193 names located in the telephone directory to no avail. Applicants included documentary evidence of the mailing and search as required. The efforts to locate the nonsigning inventor detailed by Mr. Hyang-Sil Kim are noted.

However, petitioners must explain their search strategy for Mr. Hyang-Sil Kim. Specifically, why did petitioners only search in the area they did, and why did they use only a telephone directory. Petitioners should attempt to locate Mr. Seung-Won Kim using internet search directories and professional associations. Petitioners should also contact former co-workers and employers to see if they have any knowledge of the nonsigning inventor's whereabouts, or can contact him using a telephone or email. These efforts are not extraordinary and are required to meet the 'diligent effort' standard needed to satisfy item (2) above.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet complete.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

11 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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26530
LADAS & PARRY LLP
224 South Michigan Ave.
Suite 1600
Chicago, IL 60604

In re Application of
KIM *et al*
U.S. Application No.: 11/996,085
PCT No.: PCT/KR2006/002831
Int. Filing Date: 19 July 2006
Priority Date: 19 July 2005
Attorney Docket No.: CU-6364 WWP
For: OPTIMAL ENCODER AND ENCODING METHOD FOR DUAL STREAM SYSTEM

DECISION

This is a decision on the papers filed on 12 March 2009 which are treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 18 February 2009, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 12 March 2009, applicants filed the subject response which was accompanied by a declaration executed by the nonsigning inventor.

DISCUSSION

In the renewed petition, applicants submitted a declaration executed by the nonsigning inventor, Seung-Won Kim. This declaration is in compliance with 37 CFR 1.497(a) & (b).

A declaration signed by the six other named inventors was submitted on 04 December 2008. No further action on the petition under 37 CFR 1.47(a) is required.

CONCLUSION

For the reason discussed above, the petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Applicants have completed the requirements for acceptance under 35 U.S.C.

371(c). The application has an international filing date of 19 July 2006, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 12 March 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

0 9 JUN 2008

United States Patent and Trademark Office

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MAGNA INTERNATIONAL, INC.
337 MAGNA DRIVE
AURORA ON L4G-7K1
CANADA

In re Application of	:	
Schacht et al.	:	
Application No.: 11/996,106	:	DECISION
PCT No.: PCT/CA2006/001138	:	
Int. Filing Date: 17 July 2006	:	ON
Priority Date: 19 July 2005	:	
Attorney Docket No.: 703456US	:	PETITION
For: Cinch/Lock A Leg To Ensure Engagement	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 11 April 2008.

BACKGROUND

This international application was filed on 17 July 2006, claimed an earlier priority date of 19 July 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 25 January 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 19 January 2008. Applicants filed *inter alia* the basic national fee on 18 January 2008.

DISCUSSION

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

Regarding **requirement (1)**, petitioner has paid $130.00 toward the $200.00 petition fee. The $70.00 balance is being charged to Deposit Account 50-4167, as authorized by the petition.

Regarding **requirement (2)**, petitioner seeks relief under 37 CFR 1.47(a) on the basis that joint inventor Dr. David Michael Schacht allegedly "cannot be found or reached after diligent efforts to execute the Declaration..." Petitioner provides a copy of a letter to Dr. Schacht signed by Adam Wittman, but no supporting statement by Mr. Wittman has been provided (for instance, stating that Mr. Wittman in fact mailed the parcel to the same address as the last known address indicated in the petition). Petitioner alludes to "a copy of AT&T Directory Assistance" as Attachment 3, but inspection of Attachment 3 reveals that the attached document is a copy of a page from anywho.com. From this, it is not clear whether petitioner means to show that a telephone directory search was also conducted and, if so, whether copies of relevant pages were meant to be attached. The page from anywho.com reflects a search for David Schacht in the 48187 ZIP code; it is unclear whether further search efforts covering a broader geographical range than 48187 were conducted. It is noted that the policy described at MPEP 409.03(d) calls for statements made on the basis of first-hand knowledge, but no such statement from the person

who conducted the telephone directory search or internet search has been provided. On the basis of the present record, it would not be appropriate to conclude that petitioner has adequately established that Dr. Schacht could not be found or reached after diligent effort within the meaning of 37 CFR 1.47(a).

Regarding **requirement (3)**, the petition provides the last known address of the non-signing inventor. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 11 April 2008 reveals that it appears to have been compiled using sheets from more than one declaration document (specifically, the sheet signed by Mr. Domlovil appears to have been added to a declaration document signed by the other signing inventors). MPEP 201.03 states in part that

> *An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).*

In view of this policy, it would not be appropriate to conclude that the declaration satisfies requirement (4).

DECISION

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

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

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
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Tel: (571) 272-3283
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MAGNA INTERNATIONAL, INC.
337 MAGNA DRIVE
AURORA ON L4G-7K1 CA CANADA

MAILED

JUL 22 2010

OFFICE OF PETITIONS

In re Application of	:	
David Michael Schacht, et al.	:	
Application No. 11/996,106	:	DECISION ON PETITION
Filed: September 2, 2008	:	
Attorney Docket No. 703456US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 12, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 12, 2010. Accordingly, the date of abandonment of this application is May 13, 2010. The Notice of Abandonment was mailed June 1, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

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

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be

submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **DAVID J. FORD**
CLARK HILL PLC
500 WOODWARD AVENUE
SUITE 3500
DETROIT, MI 48226-3435

PTO/SB/130 (03-08)
Approved for use through 06/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

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

Application Information

Application Number	11/996,152	Confirmation Number	4270	Filing Date	2008-01-18
Attorney Docket Number (optional)	8602/0012PUS1	Art Unit	3632	Examiner	not assigned
First Named Inventor	STEPHEN G. HAUSER				
Title of Invention	PUSH-UP EXERCISE UNIT AND DEVICE				

Attention: Office of Petitions

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

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

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

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

Given Name	Middle Name	Family Name	Suffix
STEPHEN	G	HAUSER	

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

Select (1) or (2) :

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

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

Signature	/Matthew J. Lattig/	Date (YYYY-MM-DD)	2008-06-05
Name	Matthew J. Lattig	Registration Number	45274

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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In re Application of
Stephen G. Hauser

Application No. 11996152

Filed: January 18,2008

Attorney Docket No. 8602/0012PUS1

: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 05-JUN-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/996,183	06/04/2008	Doe Hyun Yoon	19819-0192US1	4542

26171 7590 11/18/2009

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
BANKS HAROLD, MARSHA DENISE	
ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
11/18/2009	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):

PATDOCTC@fr.com

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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
YOON, DOE HYUN et al	:	DECISION ON REQUEST TO
Application No. 11/996,183	:	PARTICIPATE IN PATENT
Filed: January 18, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 19819-0192US1	:	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 September 2, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

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

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

/Doris To/

_____

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

D.T.

UNITED STATES PATENT AND TRADEMARK OFFICE

23 MAR 2009

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
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SUITE 1400
ARLINGTON VA 22201

In re Application of	:	
SAALAU-BETHELL, et al.	:	
Application No.: 11/996,187	:	
PCT No.: PCT/GB06/02750	:	DECISION ON PETITION
Int. Filing Date: 21 July 2006	:	
Priority Date: 21 July 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: ELLIS-0006	:	
For: CRYSTAL STRUCTURE OF HUMAN SOLUBLE: ADENYLATE CYCLASE	:	

The petition to revive under 37 CFR 1.137(b) filed 10 February 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has now provided a compliant CRF of the sequence listing. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. In addition, a review of the filed papers finds that applicant has provided all of the requirements for entry into the U.S. national stage.

The application has an international filing date of 21 July 2006 under 35 U.S.C. 363 and will be given a date of **18 January 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

3 0 APR 2009

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

In re Application of:
PRIDMORE, Andrew, Paul, et al.
U.S. Application No.: 11/996,224
PCT No.: PCT/GB2006/002641
International Filing Date: 17 July 2006
Priority Date: 22 July 2005
Atty's Docket No.: 041618-81
For: METHOD OF COMPILING A LIST OF IDENTIFIERS ASSOCIATED WITH A MOBILE DEVICE USER

DECISION ON PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(b) Regarding Non-Signing Inventor Anthony Richard Timson" filed 22 December 2008, treated herein under 37 CFR 1.47(a).[1] Deposit Account No. 19-2380 will be charged the required $200 petition fee.

BACKGROUND

On 17 July 2006, applicants filed international application PCT/GB2006/002641. The international application claimed a priority date of 22 July 2005, and it designated the United States. On 25 January 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 22 January 2008.

On 18 January 2008, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a declaration executed by two of the three inventors of record.

On 22 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required. The Notification indicated that the previously filed declaration was defective because it was not executed by the third inventor, Anthony Richard TIMSON.

[1] Where, as here, some but not all of the inventors have executed the declaration, the applicable regulation is 37 CFR 1.47(a), not 37 CFR 1.47(b).

On 22 December 2008, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and the "Petition Under 37 CFR 1.47(b) Regarding Non-Signing Inventor Anthony Richard Timson" considered herein under 37 CFR 1.47(a). The petition seeks acceptance of the previously filed declaration without the signature of inventor Anthony Richard TIMSON, whom applicants assert has refused to execute the application.

DISCUSSION

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

With respect to item (1), applicants here have authorized a charge to Deposit Account No. 19-2380 for the required petition fee. Item (1) is therefore satisfied.

With respect to item (2), the petition provides the last known address of the legal counsel representing the non-signing inventor. However, the petition does not provide the last known address of the non-signing inventor himself, as required (see MPEP section 409.03(e) and 605.03: "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"). Item (2) is therefore not satisfied on the present record.

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

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

Applicants have filed a declaration that contains an unsigned signature block for the non-signing inventor and is executed by the other two inventors of record. This declaration can be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

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

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made.

> Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a firsthand statement, accompanied by supporting documents, demonstrating that a request for signature, accompanied by a copy of the complete application, has been forwarded to the attorney for the non-signing inventor, that such materials were forwarded to the non-signing inventor by his legal counsel, and that the non-signing inventor has not provided the requested signature in response to such request. These materials provide an acceptable showing that the non-signing inventor has refused to execute the declaration. Item (4) is therefore satisfied.

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (2) of a grantable petition, as discussed above and in the MPEP (i.e., the last known address of the non-signing inventor). No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

04 SEP 2009

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NIXON PEABODY, LLP
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WASHINGTON DC 20004-2128

In re Application of:
PRIDMORE, Andrew, Paul, et al.
U.S. Application No.: 11/996,224
PCT No.: PCT/GB2006/002641
International Filing Date: 17 July 2006
Priority Date: 22 July 2005
Atty's Docket No.: 041618-81
For: METHOD OF COMPILING A LIST OF IDENTIFIERS ASSOCIATED WITH A MOBILE DEVICE USER

DECISION ON RENEWED PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 05 May 2009. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 30 April 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide the last-known home address of the non-signing inventor.

On 05 May 2009, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition filed by applicants on 05 May 2009 sets forth the last-known address of the non-signing inventor. This satisfies the final outstanding element of a grantable petition under 37 CFR 1.47(a). Accordingly, the petition is appropriately granted.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Anthony Richard TIMSON.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the address of the non-signing inventor, as set forth in the renewed petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 18 January 2008.

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

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04 SEP 2009

Anthony Richard TIMSON
The Orchard Building
Royal Holloway
University Of London
Egham Surrey TW20 OEX
UNITED KINGDON

In re Application of: PRIDMORE, Andrew, Paul, et al.
U.S. Application No.: 11/996,224
PCT No.: PCT/GB2006/002641
International Filing Date: 17 July 2006
Priority Date: 22 July 2005
Atty's Docket No.: 041618-81
For: METHOD OF COMPILING A LIST OF IDENTIFIERS ASSOCIATED WITH A MOBILE DEVICE USER

Dear Mr. TIMSON:

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

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make his position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from him. 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 pursuant to 37 CFR 1.63.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Pridmore, et al. :
Application No. 11/996,231 : DECISION REFUSING STATUS
Filed: January 18, 2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 041618-83 :

This is in response to the petition under 37 CFR 1.47(b), filed February 18, 2009. The petition is being treated pursuant to 37 CFR 1.47(a).[1]

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

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or

[1] A petition under 37 CFR 1.47(b) is only appropriate where none of the inventors have signed the declaration.

declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Rule 47 applicant has not met requirement (4) above.

Rule 47 applicant has not made a statement of the last known address of non-signing inventor Timson. Rather, applicant has given the address for Timson's attorney. As set forth in MPEP 409.03(e):

> An application filed pursuant to 37 CFR 1.47 must state the last known address of the nonsigning inventor. That address should be the last known address at which the inventor customarily receives mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

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

In re Application of :
Pridmore, et al. :
Application No. 11/996,231 : DECISION ACCORDING STATUS
Filed: January 18, 2008 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 041618-83 :

This is in response to the renewed petition under 37 CFR 1.47(a), filed May 5, 2009.

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

Rule 47 applicant filed a petition under 37 CFR 1.47(a) on February 18, 2009. However, the petition was dismissed in a decision mailed on March 16, 2009. The petition was dismissed because Rule 47 applicant did not make a statement of the last known address of non-signing inventor Timson

With the instant renewed petition, petitioner has provided a statement of the last known address of Timson.

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

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

The application is being forwarded to Group Art Unit 2617 for examination in due course.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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ANTHONY RICHARD TIMSON
THE ORCHARD BUILDING
ROYAL HOLLOWAY
UNIVERSITY OF LONDON
EGHAM SURREY TW20 OEX

COPY MAILED

JUN 0 1 2009

OFFICE OF PETITIONS

In re Application of
Pridmore, et al.
Application No. 11/996,231
Filed: January 18, 2008
Title: Methods of Setting Up a Call With, And Determing the Direction Of, a Mobile Device

LETTER

Dear Mr. Timson:

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

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAIL

MAR 01 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of :
YAMAGAMI, KATSUYOSHI et al :
Application No. 11/996,234 :
Filed: January 18, 2008 :
Attorney Docket No. 2008_0064A :

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 11, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WONG CABELLO LUTSCH RUTHERFORD & BRUCCULERI, LLP.
20333 SH 249, 6TH FLOOR
HOUSTON, TX 77070

COPY MAILED

DEC 31 2009

OFFICE OF PETITIONS

In re Application of :
Chen M. YU, et *al.* :
Application No. 11/996,261 : DECISION ON PETITION TO
Filed: January 18, 2008 : WITHDRAW FROM RECORD
Attorney Docket No. **00808.0011.PCUS02** :

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 9, 2009.

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

A review of the file record indicates that the power of attorney to **WONG CABELLO LUTSCH RUTHERFORD & BRUCCULERI, LLP** has been revoked by the applicant of the patent assignee on November 23, 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: **HOWREY LLP-CA**
C/O IP DOCKETING DEPARTMENT
2941 FAIRWIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042-2924

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29 JUL 2008

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Davis Wright Tremaine, LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045

In re Application of	
BERLIN	DECISION ON PETITION
Application No.: 11/996,267	
PCT No.: PCT/EP06/07067	UNDER 37 CFR 1.137(b)
Int. Filing Date: 10 July 2006	
Priority Date: 18 July 2005	AND REQUEST FOR
Atty. Docket No.: 47675-243	
For: COMPOSITIONS AND METHODS FOR CANCER DIAGNOSTICS COMPRISING PAN-CANCER MARKERS	REFUND OF FEE

The petition to revive under 37 CFR 1.137(b) filed 16 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now payment of the full, U.S. Basic National fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Applicant's request for refund of the petition fee is **REFUSED**. A review of the application file finds that the application was properly abandoned as the filed transmittal letter only contains the electronic signature and the agent's registration number. 37 CFR 1.4(d)(2) requires that the signers name appear "in printed or typed form preferably immediately below or adjacent the S-signature." (See MPEP 502.02)

The application has an international filing date of 10 July 2006 under 35 U.S.C. 363 and will be given a date of **16 June 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

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

15 SEP 2008

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Alexandria, VA 22313-1450
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OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE OH 43023

In re Application of	:	
Boissonnat et al.	:	
Application No. 11/996,336	:	
PCT No.: PCT/FR2006/050728	:	
Int. Filing Date: 20 July 2006	:	DECISION
Priority Date: 22 July 2005	:	
Atty. Docket No.: 26243	:	
For: Automatic Strand Take-Up Installation	:	

This is in response to the declaration of the inventors filed on 11 July 2008, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 20 July 2006, claimed an earlier priority date of 22 July 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 25 January 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 22 January 2008. Applicants filed, *inter alia*, the basic national fee on 21 January 2008.

On 18 April 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring additional claim fees, an oath or declaration compliant with 37 CFR 1.497(a) and (b), and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Review of the declaration of the inventors filed on 11 July 2008 reveals that it indicates joint inventor Jean-Pierre Karbowski to be "deceased." 37 CFR 1.42 provides in part that

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

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The declaration names and is signed by Danyele Rey, Natacha Karbowski, Marie Karbowski, Sarah Karbowski and Lydia Karbowski as "the heirs and legal representative" of Jean-Pierre Karbowski, and provides residence, citizenship and mailing address information for each. The declaration further provides the citizenship of Jean-Pierre Karbowski (his last residential and postal addresses may be furnished on an ADS). The declaration also names and has been signed by the other joint inventors. However, the declaration appears to have been assembled by combining separately signed sheets into a single document, which is impermissible in view of the following policy explained at MPEP 201.03:

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not)

In view of the deficiency noted above, it would not be appropriate to accept the declaration at this time.

DECISION

The declaration is **NOT ACCEPTED** under 37 CFR 1.42, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

11 MAR 2009

United States Patent and Trademark Office

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OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE OH 43023

In re Application of	:	
Boissonnat et al.	:	
Application No. 11/996,336	:	
PCT No.: PCT/FR2006/050728	:	
Int. Filing Date: 20 July 2006	:	DECISION
Priority Date: 22 July 2005	:	
Atty. Docket No.: 26243	:	
For: Automatic Strand Take-Up Installation	:	

This is in response to the renewed submission under 37 CFR 1.42 filed on 27 October 2008.

DISCUSSION

In a Decision mailed on 15 September 2008, the declaration filed on 11 July 2008 was not accepted under 37 CFR 1.42, without prejudice, because

> *the declaration appears to have been assembled by combining separately signed sheets into a single document, which is impermissible in view of the following policy explained at MPEP 201.03...*
>
> *In view of the deficiency noted above, it would not be appropriate to accept the declaration at this time.*

In response, counsel has now presented copies of declaration documents signed by each of the signing inventors/legal representatives. Based on the totality of the evidence presently of record, it now would be appropriate to conclude that all of the requirements of 37 CFR 1.42 have been satisfied.

DECISION

The declaration filed on 27 October 2008 is **ACCEPTED** under 37 CFR 1.42, for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **27 October 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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DEC 29 2009

OFFICE OF PETITIONS

FOLEY & LARDNER, LLP
SUITE 500
3000 K STREET, NW
WASHINGTON, DC 20007

In re Application of :
Patricia Imbach, et al. :
Application No. 111/996,337 : DECISION ON PETITION
Filed: January 21, 2008 : TO WITHDRAW
Attorney Docket No. 093286-0132 : FROM RECORD
:

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

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Foley & Lardner, LLP has been revoked by the assignee of the patent application on November 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: FANELLI STRAIN & HAAG PLLC
1455 PENNSYLVANIA AVE., NW
SUITE 400
WASHINGTON, DC 20004

UNITED STATES PATENT AND TRADEMARK OFFICE

0 2 FEB 2009

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RAYMOND WAGENKNECHT
BIOTECH BEACH LAW GROUP, PC
625 BROADWAY
SUITE 1210
SAN DIEGO, CA 92101

In re Application of	:	
WENGERT et al	:	DECISION ON
Application No.: 11/996,399	:	
PCT No.: PCT/EP2006/007125	:	PETITION
Int. Filing Date: 19 July 2006	:	
Priority Date: 21 July 2005	:	UNDER 37 CFR 1.182
Attorney's Docket No.:NIC-01UI	:	
For: SMOKE-FREE CIGARETTE	:	

This application is in response to applicant's communication filed on January 29, 2009, which is being treated as petition under 37 CFR 1.182. Applicant filed the required $400.00 petition fee on 30 January 2009.

BACKGROUND

On 19 July 2006, applicants filed international application PCT/EP2006/007125, which claimed priority of an earlier German application filed 21 July 2005. Accordingly, the thirty month period for paying the basic national fee in the United States expires at midnight on 22 January 2008 (January 21, 2008 was a federal holiday).

On 18 January 2008, applicants submitted a Transmittal Letter (Form-1390) for entry of international application PCT/EP2006/007125 into the national stage in the United States which was accompanied by, inter alia,: authorization to charge fees to applicant's deposit account: English translation of the international application. The transmittal letter indicated that this was a **FIRST** submission of items concerning a filing under 35 U.S.C. 371. These papers were assigned application number 11/996,211. The documents were filed via EFS-web and the Electronic Acknowledgement Receipt indicated that applicant inputted into the EFS-Web screen that the application was a national stage application of PCT/EP2006/007215. Additionally, the Electronic Acknowledgement Receipt indicated that fees in the amount of $465.00 were charged to applicant's credit card.

On 22 January 2008, applicants submitted a second Transmittal Letter (Form-1390) for entry of international application PCT/EP2006/007125 into the national stage in the United States which was accompanied by, inter alia,: authorization to charge fees to applicant's deposit account; English translation of the international application. The transmittal letter indicated that this was a **FIRST** submission of items concerning a filing under 35 U.S.C. 371. These papers were initially assigned serial number 11/996,399. The documents were filed via EFS-web and

the Electronic Acknowledgement Receipt indicated that fees in the amount of $465.00 were charged to applicant's credit card.

DISCUSSION

Applicant's paper filed on January 29, 2009 indicated that "a typographical error occurred while attempting to electronically enter US national phase of PCT/EP2006/007125 entitled, Smoke-Free cigarette. This typographical error resulted in assigning an invalid PCT serial number to US application 11/996,211. .... Applicant requests the merger of US 11/996,211 into the correct application US 11/996,399."

Applicant has submitted two sets of papers for entry of international application PCT/EP2006/007125 into the national stage in the United States. Under 35 U.S.C. 363, an international application designating the United States has from its international filing date under Article 11 of the Treaty the effect of a national application for a patent regularly filed in the Patent and Trademark Office. The request for entry into the United States is the completion of requirements set forth under 35 U.S.C. 371 of an already pending U.S. application. Therefore, the end result of an international application designating the U.S. is a single U.S. national application. Accordingly, applicants' filing of multiple requests to enter the national stage is improper. The use of the Transmittal Letter (Form-1390) directed to the specification of the international application PCT/EP2006/007125 was a clear indication that applicants desired entry into the national stage.

As is evident from the above recited facts two national stage files were created for the same international application. The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the creation of two national stage files to enter the United States was improper. Here by entering the incorrect PCT number on January 18, 2008, applicant created a file with incorrect data in the USPTO data base. Accordingly, the applicant paper filed January 29, 2009 is being treated as a petition under 37 CFR 1.182. Under the circumstances set forth above, it would be appropriate to grant the petition.

Application number 11/996,211 has been cancelled. All of the papers from 11/996,211 have been transferred to the file of application number 11/996,399. The $465.00 fee paid in 11/996,211 will be refunded to counsel's credit card.

CONCLUSION

Applicants should use application number **11/996,399** in all future communications with the Patent and Trademark Office in regards to the U.S. national stage of international application PCT/EP2006/007125.

Leonard E. Smith
PCT Legal Examiner
Office of Patent Cooperation Treaty Legal Administration

Telephone: (571) 272-3297
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date Mailed: October 28, 2008

TAROLLI, SUNDHEIM, COVELL & TUMMINO, LLP
1300 EAST NINTH STREET
SUITE 1700
CLEVELAND OH 44114

Applicant: Rudy et al.
Appl. No.: 11/996,441
Filing Date: January 22, 2008
Title: SYSTEM AND METHOD FOR NONINVASIVE ELECTROCARDIOGRAPHIC IMAGING (ECGI)
Attorney Docket No.: CWR-8191PCT/US
Pub. No.: US 2008/0213128 A1
Pub. Date: September 4, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 27, 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 did not provide a copy of the application. In addition, the Applicant submitted his request as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission.

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Adjustment date: 10/29/2008 KKING1
10/28/2008 INTEFSW 00000880 11996441
01 FC:1504 -300.00 OP

Refund Ref:
10/29/2008 0030062907

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXX1017

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Date Mailed: November 10, 2008

TAROLLI, SUNDHEIM, COVELL & TUMMINO, LLP
1300 EAST NINTH STREET
SUITE 1700
CLEVELAND OH 44114

Applicant: Rudy et al.
Appl. No.: 11/996,441
Filing Date: January 22, 2008
Title: SYSTEM AND METHOD FOR NONINVASIVE ELECTROCARDIOGRAPHIC IMAGING (ECGI)
Attorney Docket No.: CWR-8191PCT/US
Pub. No.: US 2008/0213128 A1
Pub. Date: September 4, 2008

This is a decision on the second request for republication of patent application publication under 37 CFR 1.221(a), filed on November 3, 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 his request as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place. The publication fee has been refunded, and the required processing fee has been charged to the applicant's deposit account.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission. The applicant is directed to the following website for

additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

Adjustment date: 11/10/2008 KKING1
11/04/2008 INTEFSW 00002899 11996441
01 FC:1504 -300.00 OP

11/10/2008 KKING1 00000001 11996441
01 FC:1803 130.00 OP

Refund Ref:
11/10/2008 0030063369

Credit Card Refund Total: $170.00

Am Exp..: XXXXXXXXXXX1017

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Gary J. Pitzer
Tarolli, Sundheim, Covell &
Tummino LLP
1300 East Ninth Street, Suite 1700
Cleveland, OH 44114

In re Application of	:	DECISION ON
RUDY et al	:	
Application No.: 11/996,441	:	
PCT No.: PCT/US2006/28287	:	
Int. Filing Date: 21 July 2006	:	PETITION
Priority Date: 21 July 2005	:	
Attorney's Docket No.: CWR-819PCT/US	:	
For: SYSTEM AND METHOD ...	:	
IMAGING (ECGI)	:	UNDER 37 CFR 1.182

This decision is in response to the "PETITION UNDER CFR 1.182" filed on 02 October 2008, to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/US2005/28287. Petitioner has paid the petition fee of $400.00 by credit card.

BACKGROUND

On 21 July 2006, this international application was filed, claiming an earliest priority date of 21 July 2005.

On 22 January 2008, applicants filed a transmittal letter for entry into the national stage in the United States via EFS. However, the incorrect PCT number was electronically submitted at the time of filing.

On 02 October 2008, petitioner filed a petition under 37 CRF 1.182 stating that at the time of electronically filing due to an inadvertent typographical error made when this application was submitted via the EFS on January 22, 2008 the priority number was entered as PCT/US06/28227 rather than the correct serial number, which is PCT/US06/28287.

DISCUSSION

Although applicants entered the incorrect PCT serial number at the time of electronically filing the application, the correct PCT number PCT/US2006/28287 was placed in the transmittal letter. Accordingly, there is sufficient evidence at the time of filing that the correct international application PCT number is PCT/US2006/28287.

Therefore, petition to accept the correct PCT number of PCT/US2006/28287 for the instant application is granted, and will be reflected in the filing receipt.

With respect to the refund, applicant is mistaken that it is USPTO's error because it was the applicant who erroneously inputted application number PCT/US06/28227 during filing via EFS. The USPTO is now correcting applicant's mistake by the mechanism afforded to applicant under 37 CFR 1.182, which requires a $400.00 petition fee.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

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

Rafael Bacares
PCT Legal Examiner
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0 3 OCT 2008

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CHRISTOPHER & WEISBERG, P.A.
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SUITE 2040
FORT LAUDERDALE FL 33301

In re Application of :
MA et al. :
Serial No.: 11/996,463 :
PCT No.: PCT/CA06/01241 :
Int. Filing Date: 27 July 2006 : DECISION
Priority Date: 27 July 2005 :
Atty. Docket No.: 22493-50PUS :
For: PILOTS FOR FREQUENCY DIVISION :
MULTIPLE ACCESS COMMUNICATIONS :

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371. This decision is responsive to applicant's letter to correct the Notification of Acceptance mailed on 30 May 2008. Applicant requests issuance of a new Notification of Acceptance under 35 U.S.C. 371 filed in the United States Patent and Trademark Office (USPTO) on 22 January 2008 in the above referenced application.

BACKGROUND

On 22 January 2008, within the thirty month deadline for filing a national stage application, applicant filed a transmittal requesting entry into national stage under 35 U.S.C. 371 along with the basic national filing fee and executed declaration, meeting the requirements under 35 U.S.C. 371(c). The expiration of applicable time limit in the instant application is the thirty month date or 27 January 2008. However, applicant expressly requested national examination to begin in the transmittal letter.

On 30 May 2008, a Notification of Acceptance was mailed to applicant indicating that applicant had fulfilled all the requirements of 35 U.S.C. 371 on 27 January 2008 and indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 22 January 2008.

DISCUSSION

A review of the application file reveals that as required by 35 U.S.C. 371(c)(4), a declaration, in compliance with 37 CFR 1.497(a) and (b) was submitted on 22 January 2008. However, the date of completion of all 35 U.S.C. 371 requirements includes fulfillment of subsection (b), which states that the national stage shall commence with the expiration of the time limit under PCT Article 22(a) or 39(1)(a) of the PCT Treaty. Here, applicant's transmittal letter expressly requested to begin national examination. Thus, the completion of all requirements of 35 U.S.C. 371 is 22 January 2008. The Notification of Acceptance (Form PCT/DO/EO/903) issued on 30 May 2008 is incorrect and is hereby VACATED.

CONCLUSION

The Notification of Acceptance (Form PCT/DO/EO/903) issued on 30 May 2008 is **VACATED**.

A new Notification of Acceptance will be issued indicating that applicant had fulfilled all the requirements of 35 U.S.C. 371 on 22 January 2008 and indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 22 January 2008.

The application will be forwarded to the United States Designated/Elected Office for further processing including the issuance of a corrected Notification of Acceptance in accord with this decision.

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20 MAY 2008

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Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402

In re Application of :
LINARES et al. :
Application No.: 11/996,482 : DECISION ON PETITION
PCT No.: PCT/US06/27196 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 11 July 2006 :
Priority Date: 11 July 2005 :
Attorney Docket No.: 1914.019US2 :
For: STRUCTURES FORMED IN DIAMOND :

The petition to revive under 37 CFR 1.137(b) filed 22 January 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

/Anthony Smith for/

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24 MAY 2010

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DEMONT & BREYER, LLC
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HOLMDEL, NJ 07733

In re Application of FEHRENBACHER et al :
U.S. Application No.: 11/996,498 :
PCT Application No.: PCT/EP2006/007131 : DECISION
Int. Filing Date: 20 July 2006 :
Priority Date Claimed: 22 July 2005 :
Attorney Docket No.: 9771-092US :
For: IRRADIATION DEVICE :

This is in response to applicant's request under 37 CFR 1.28(c) filed 01 March 2010.

BACKGROUND

On 20 July 2006, applicant filed international application PCT/EP2006/007131, which claimed priority of an earlier Germany application filed 22 July 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 25 January 2007. The thirty-month period for paying the basic national fee in the United States expired on 22 January 2008.

On 22 January 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by small entity fees.

On 01 March 2010, applicant filed the present request under 37 CFR 1.28(c).

DISCUSSION

37 CFR 1.28(c) states,

> (c) How errors in small entity status are excused. If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section:

(1) Separate submission required for each application or patent. Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent. Where more than one application or patent is involved, separate submissions of deficiency payments (e.g., checks) and itemizations are required for each application or patent. See § 1.4(b).

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(i) Calculation of the deficiency owed. The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;

(ii) Itemization of the deficiency payment. An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

(3) Failure to comply with requirements. If the requirements of paragraphs (c)(1) and (c)(2) of this section are not complied with, such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

The present request includes a proper itemization of the deficiency payment and the payment itself. Applicant's error in asserting small entity status is excused.

CONCLUSION

For the reasons above, the request under 37 CFR 1.28(c) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 20 July 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 January 2008.

This application is being returned to Technology Center AU 2881 for further processing.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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United States Patent and Trademark Office

05 JAN 2009

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of
Nissl et al.
Application No. 11/996,506
PCT No.: PCT/EP2006/007266
Int. Filing Date: 24 July 2006
Priority Date: 23 July 2005
Atty. Docket No.: 052754/339701
For: Balloon Dilatation Catheter

DECISION

This is in response to the "Response..." filed on 03 October 2008.

BACKGROUND

This international application was filed on 24 July 2006, claimed an earlier priority date of 23 July 2005, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 01 February 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 23 January 2008. Applicants filed, *inter alia*, the basic national fee on 23 January 2008.

On 06 August 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to counsel, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b), noting that the "Inventor's last name on IA and Oath don't match."

DISCUSSION

Inspection of the declaration filed on 16 July 2008 reveals that it nominates "Thomas Nissl" in place of "NIBL, Thomas" named in the published international application. MPEP 605.04(b) states in part that

> *Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.*

Counsel states that

> it is apparent that the inventor's name has been misspelled. The correct spelling of the inventor's name (Thomas Nissl) is as provided on the Declaration submitted on July 16, 2008. It appears that the German character 'ß' was represented as the character 'B' on the international publication, but ß actually translates to 'ss' in English. Since the listing of the inventor's last name as 'Nibl' appears to be a transliteration error in the international publication, we believe

that it is not necessary to provide a new Declaration per MPEP §201.03, since the spelling of the inventor's name in the English language is correct on the Declaration submitted on July 16, 2008.

In view of counsel's clarifying statements, it would be appropriate to conclude that the discrepancy in the inventor's name arose as a transliteration error in rendering the German eszett character into the English equivalent. Accordingly, it would be appropriate to accept the inventor's name as it is spelled on the declaration filed on 16 July 2008.

DECISION

The declaration filed on 16 July 2008 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **16 July 2008**.

/George Dombroske/
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SUITE 419
HACKENSACK, NJ 07601

In re Application of KIMONIDES	:	
U.S. Application No.: 11/996,508	:	
PCT Application No.: PCT/GB2006/001868	:	DECISION
Int. Filing Date: 22 May 2006	:	
Priority Date Claimed: 23 May 2005	:	
Attorney Docket No.: 231/1/187	:	
For: LIQUID SAMPLING APPARATUS	:	

This is in response to applicant's petition under 37 CFR 1.137(b)" filed 23 January 2008.

BACKGROUND

On 22 May 2006, applicant filed international application PCT/GB2006/001868, which claimed priority of an earlier United Kingdom application filed 23 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 30 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 23 November 2007.

On 24 November 2007, international application PCT/GB2006/001868 became abandoned as to the United States for failure to timely pay the basic national fee.

On 23 January 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), the required petition fee will be charged to Deposit Account No. 07-1524 as authorized in the petition.

With regard to item (3), the statement contained in the petition differs slightly from the language required by 37 CFR 1.137(b) and is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 22 May 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 23 January 2008.

This application is being forwarded to Technology Center AU 2856 for continued processing.

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PCT Legal Office

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ASHEVILLE, NC 28801

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OFFICE OF PETITIONS

In re Application of :
Johan-Valentin KAHL, et *al.* :
Application No. 11/996,546 : DECISION ON PETITION
Filed: January 23, 2008 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **GRUNP82** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 29, 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 Notification of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US)(Notice), mailed April 15, 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 June 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath/declaration, (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1730 extension of time fee submitted with the petition on December 29, 2009 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 Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Patent Examination Processing for appropriate action on the reply received December 29, 2009.

/Thurman K. Page/
Thurman K. Page
Petitions Examiner
Office of Petitions

2 1 MAY 2008

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

In re Application of: CARIOU, Anthony, et al.
U.S. Application No.: 11/996,564
PCT No.: PCT/FR2006/050692
International Filing Date: 10 July 2006
Priority Date: 18 July 2005
Atty Docket No.: 321117US41X PCT
For: STRUCTURE SUPPORTING A MOTOR VEHICLE FRONT END ... AND CORRESPONDING VEHICLE

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 23 January 2008 in the above-captioned application is hereby **GRANTED** as follows:

The above-captioned application became abandoned with respect to the U.S. at midnight on 18 January 2008 based on applicant's failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

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

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

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicant has not yet submitted an executed declaration in compliance with 37 CFR 1.497.

Richard M. Ross
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0 6 FEB 2008

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WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON, DC 20006

In re Application of CHOU et al	:	
U.S. Application No.: 11/996,568	:	
PCT Application No.: PCT/SG2006/000192	:	
Int. Filing Date: 11 July 2006	:	DECISION
Priority Date Claimed: 12 July 2005	:	
Attorney Docket No.: 87709-4100	:	
For: INTRAMEDULLARY FIXATION DEVICE FOR FRACTURES	:	

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Pursuant to 37 C.F.R. 1.137(b)" filed 23 January 2008.

BACKGROUND

On 11 July 2006, applicant filed international application PCT/SG2006/000192, which claimed priority of an earlier United States application filed 12 July 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 18 January 2007. The thirty-month period for paying the basic national fee in the United States expired on 12 January 2008.

International application PCT/SG2006/000192 became abandoned as to the United States for failure to timely pay the basic national fee.

On 23 January 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), required petition fee will be charged to Deposit Account No. 50-1814.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

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In re Application of	:	DECISION ON
SUCHAROV et al	:	
Application No.: 11/996,581	:	
PCT No.: PCT/US2006/028363	:	
Int. Filing Date: 21 July 2006	:	PETITION UNDER
Priority Date: 22 July 2005	:	
Attorney's Docket No.: ARCA:008US	:	
For: INHIBITION OF EXTRACELLULAR...	:	
HEART FAILURE	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 23 January 2008.

BACKGROUND

On 21 July 2006, this international application was filed, claiming an earliest priority date of 22 July 2005.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 22 January 2008. This international application became abandoned with respect to the United States at midnight on 22 January 2008 for failure to pay the required basic national fee.

On 23 January 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional

information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

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

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

DECISION

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Applicant: Wright, et al.
Appl. No.: 11/996,615
Filing Date: July 28, 2006
Title: Removal of Carbon Dioxide From Air
Attorney Docket No.: GLOBAL 05.02
Pub. No.: 2008/0190567 A1
Pub. Date: August 14, 2008

MAILED

MAY 19 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 Novembe 12, 2008, for the above-identified application.

The request for a corrected patent application publication is DISMISSED.

Applicant requests that the application be republished because the wrong patent application publication was published under the application number.

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

The error noted by requestor with respect to another published patent application publication is not an error with this application. The above identified application has not been published.

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

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

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

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Hayes-Soloway
3450 E Sunrise Drive
Suite 140
Tucson AZ 85718

Applicant: Wright, et al.
Appl. No.: 11/996,615
International Filing Date: July 28, 2006
Title: Removal of Carbon Dioxide From Air
Pub. No.: 2008/0190567 A1
Pub. Date: August 14, 2008

MAILED

JUL 21 2009

OFFICE OF PETITIONS

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The request for a corrected patent application publication is DISMISSED.

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The error noted by requestor with respect to another published patent application publication is not an error with this application. The above identified application has not been published.

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Office of Patent Legal Administration
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P.O. BOX 1450
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Applicant: Wright, et al.
Appl. No.: 11/996,615
Filing Date: July 28, 2006
Title: Removal of Carbon Dioxide From Air
Attorney Docket No.: GLOBAL 05.02
Pub. No.: 2008/0190567 A1
Pub. Date: August 14, 2008

MAILED

MAY 19 2009

OFFICE OF PETITIONS

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Applicant requests that the application be republished because the wrong patent application publication was published under the application number.

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The error noted by requestor with respect to another published patent application publication is not an error with this application. The above identified application has not been published.

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

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

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

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INTELLECTUAL PROPERTY GROUP
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200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS MN 55402

MAILED

MAY 25 2010

OFFICE OF PETITIONS

In re Application of
Gerald D. Treadway
Application No. 11/996,626
Filed: June 6, 2008
Attorney Docket No.: 35294.3.8.1.1

ON PETITION

This is a decision on the petition filed April 5, 2010 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed October 2, 2009. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested prior to the abandonment of the application, this application became abandoned January 3, 2010. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation application under 37 CFR 1.53(b); (2) a three month extension of time; (3) the petition fee of $1620; and (4) an adequate statement of unintentional delay.

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

abandoned in favor of continuation application no.12/754,375 filed April 5, 2010, pursuant to the provisions of 37 CFR 1.53(b).

The petition fee in the amount of $1620 and the extension of time fee in the amount of $1110 have been charged to the credit card provided.

This matter is being referred to Technology Center 1796 for processing of the continuation application filed April 5, 2010.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

1 0 NOV 2008

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

In re Application of WIGREN et al :
U.S. Application No.: 11/996,648 :
PCT Application No.: PCT/SE2006/050213 :
Int. Filing Date: 21 June 2006 : COMMUNICATION
Priority Date Claimed: 26 July 2005 :
Attorney Docket No.: P21108-US1 :
For: SCHEDULING FOR UPLINK AND :
DOWNLINK TIME OF ARRIVAL POSITIONING :

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 21 June 2006, applicant filed international application PCT/SE2006/050213, which claimed priority of an earlier Sweden application filed 26 July 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 01 February 2007. The thirty-month period for paying the basic national fee in the United States expired on 26 January 2008.

On 24 January 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 17 April 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the declaration filed 24 January 2008 was not executed by one of the inventors.

On 16 June 2008, applicant filed an executed declaration.

DISCUSSION

The declarations filed 24 January 2008 and 16 June 2008 are improper composite documents. Specifically, it is not acceptable to combine individual pages (e.g. signature pages) from different copies of a declaration into a single document for submission. Applicant must submit either: (1) a copy of a complete declaration which is presented to and executed by all of the inventors or (2) copies of multiple complete declarations, wherein each inventor executes at least one of the multiple complete declarations. Because this defect was not previously raised with respect to the declaration filed 24 January 2008, applicant will be given a full response period in which to correct the defect.

CONCLUSION

For the reasons above, the Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 17 April 2008 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a new Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which should indicate that applicant must submit an executed declaration in accordance with this communication.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/996,675	01/24/2008	Satoshi Nishikawa	Q106092	9642

23373 7590 07/20/2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
MOHADDES, LADAN	
ART UNIT	**PAPER NUMBER**
1795	

NOTIFICATION DATE	DELIVERY MODE
07/20/2010	ELECTRONIC

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

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

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

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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July 19, 2010 BC

In re application of Satoshi Nishikawa et al. Serial No. 11/996,675 Filed: January 24, 2008 For: NONAQUEOUS SECONDARY BATTERY SEPARATOR AND PROCESS FOR ITS FABRICATION	: : : : : : :	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) to make the above-identified application special filed May 28, 2010.

The request and petition are **DENIED**.

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 independent 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; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable;

(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

The request to participate in the PPH program and petition fail because:
(4) Action on this US application has begun. Specifically, a non-final action on the merits was mailed on June 10, 2010.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

03 JUL 2008

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

In re Application of CODAZZI et al :
U.S. Application No.: 11/996,688 :
PCT Application No.: PCT/FR2006/050741 :
Int. Filing Date: 21 July 2006 :
Priority Date Claimed: 26 July 2005 : DECISION
Attorney Docket No.: 321011US0PCT :
For: HYDROPHOBIC COATING COMPRISING :
A PRIMING INCLUDING A BIS-SILANE :
AND A HYDROPHOBIC LAYER :
INCLUDING A FLUORINATED :
ALKYSILANE :

This is in response to applicant's "Petition Under 37 C.F.R. 1.182" filed June 16, 2008.

BACKGROUND

On 21 July 2006, applicant filed international application PCT/FR2006/050741, which claimed priority of an earlier France application filed 26 July 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 01 February 2007. The thirty-month period for paying the basic national fee in the United States expired on 26 January 2008.

On 24 January 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 May 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On June 16, 2008, applicant filed the present petition under 37 CFR 1.182 along with an executed declaration.

DISCUSSION

The petition states that the name of the first listed inventor has changed from Nathalie Codazzi to Nathalie Rohaut.

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. In the present case, the requisite petition fee has been provided. However, although a statement from the inventor setting forth both names has been provided, such statement does not specify the procedure whereby the change of name was effected or a copy of the court order.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely file a proper response will result in ABANDONMENT of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". No additional petition fee is required.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

18 SEP 2008

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

In re Application of CODAZZI et al	:	
U.S. Application No.: 11/996,688	:	
PCT Application No.: PCT/FR2006/050741	:	
Int. Filing Date: 21 July 2006	:	
Priority Date Claimed: 26 July 2005	:	DECISION
Attorney Docket No.: 321011US0PCT	:	
For: HYDROPHOBIC COATING COMPRISING A PRIMING INCLUDING A BIS-SILANE AND A HYDROPHOBIC LAYER INCLUDING A FLUORINATED ALKYSILANE	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.182" filed 26 August 2008.

BACKGROUND

On 21 July 2006, applicant filed international application PCT/FR2006/050741, which claimed priority of an earlier France application filed 26 July 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 01 February 2007. The thirty-month period for paying the basic national fee in the United States expired on 26 January 2008.

On 24 January 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 May 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 16 June 2008, applicant filed a petition under 37 CFR 1.182 along with an executed declaration.

On 03 July 2008, this Office mailed a decision dismissing the 16 June 2008 petition.

On 26 August 2008, applicant filed the present renewed petition under 37 CFR 1.182.

DISCUSSION

The petition states that the name of the first listed inventor has changed from Nathalie Codazzi to Nathalie Rohaut.

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. Applicant has previously provided the requisite petition fee. Furthermore, the renewed petition contains a statement from the inventor setting forth both names and specifying the procedure whereby the change of name was effected.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 21 July 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 16 June 2008.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
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2 4 SEP 2008

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David S. Safran
Robers Mlotkowski & Hobbes P.C.
PO Box 10064
McLeand, VA 22102

In re Application of:	:	
Jesper Meldgaard Pedersen	:	DECISION
Application No.: 11/996,695	:	
PCT Application No.: PCT/DK06/00113	:	ON PETITION
Int. Filing Date: 24 February 2006	:	
Priority Date: 24 February 2005	:	UNDER
Atty Docket No.: 742114-18	:	
For: A FILTER FOR ADAPTIVE NOISE REDUCTION AND SHARPNESS ENHANCEMENT FOR ELECTRONICALLY DISPLAYED PICTURES	:	37 CFR 1.137(b)

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 24 January 2008 is **GRANTED**.

BACKGROUND

On 24 February 2006, applicant filed international application PCT/DK06/00113. The international application claims a priority date of 24 February 2005 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 24 August 2007. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 24 August 2007.

On 24 January 2008, applicant filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, an authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1), a declaration of the inventor as required by 35 U.S.C. 371(c)(4), and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply, (2) the petition fee required by law (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The submission of the basic national fee satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). Applicant's statement in the petition that "The entire delay in filing the required reply from the due date for the required reply, until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 24 February 2006 under 35 U.S.C. 363 and a date of 24 January 2008 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Richard Cole
PCT Legal Examiner
PCT Legal Administration

Patrick Lewis
Detailee
PCT Legal Administration

Telephone: (571) 272-6094

16 MAY 2008

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Roberts Mlotkowski Safran & Cole, P.C.
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McLean, VA 22102-8064

In re Application of :
DALGAARD, Torben :
Application No.: 11/996,702 : DECISION ON PETITION
PCT No.: PCT/DK06/00112 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 24 February 2006 :
Priority Date: 24 February 2005 :
Attorney Docket No.: 742114-19 :
For: A SYSTEM FOR PROVIDING UNIFORM :
IMAGE QUALITY IN DISPLAYS FOR
IMAGE REPRODUCTION

The petition to revive under 37 CFR 1.137(b) filed 24 January 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

29 JUN 2010

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

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
YAMAMOTO, et al.	:	
Application No.: 11/996,737	:	DECISION ON PETITION
PCT No.: PCT/JP2006/314389	:	
Int. Filing Date: 20 July 2006	:	UNDER 37 CFR 1.181
Priority Date: 26 July 2005	:	
Atty Docket No.: 0020-5634PUS1	:	
For: HEATING COOKER	:	

This decision is in response to applicant's "REQUEST FOR CORRECTED NOTICE OF ACCEPTANCE" filed 16 March 2010 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181 to assign a 35 U.S.C. 371 date of 28 May 2008. No petition fee is required.

On 18 February 2010, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) which identified the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date as 24 January 2008 and the date of completion of all 35 U.S.C. 371 requirements as 26 January 2008. Applicant was concurrently mailed a filing receipt which listed the "filing or 371 (c) date" as "01/24/2008." Applicant seeks a correction of this date to read 28 May 2008.

A review of the application file finds that the last of the 35 U.S.C. 371 requirements, the English translation of the international application as filed was filed on 28 May 2008. As such it is proper to grant applicant's petition at this time.

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

The Form PCT/DO/EO/903 mailed 18 February 2010 is hereby **VACATED**.

The application has an international filing date of 20 July 2006 under 35 U.S.C. 363 and will be given a date of **28 May 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

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NOV 0 9 2009

OFFICE OF PETITIONS

In re Application of	:	
Toma, et al.	:	
Application No. 11/996,764	:	DECISION ON PETITION
Filed: January 25, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 15463-3 DStM	:	

This is a decision on the "PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120, 121, OR 365(c)", filed September 25, 2009, which is being treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to provisional application No. 60/702,608, set forth in the amendment filed with the petition.

The petition is **DISMISSED.**

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

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

A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. § 132(a)). If an incorporation by reference statement is

included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119 after the filing date of the application, the amendment is not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

Receipt of the $1,410 fee as required by 37 CFR 1.78(a)(6)(ii) is acknowledged.

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

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

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

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

Any questions concerning this matter may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Supervisor
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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40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

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JAN 14 2010

In re Application of	:	
Toma, et al.	:	
Application No. 11/996,764	:	DECISION ON PETITION
Filed: January 25, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 15463-3 DStM	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed December 3, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to provisional application No. 60/702,608, set forth in the amendment filed with the petition.

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.

Applicants filed a petition under 37 CFR 1.78(a)(6) on September 25, 2009. However, the petition was dismissed in a decision mailed on November 9, 2009. The petition was dismissed because the amendment incorporation by reference statement that was not present on filing.

A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(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 application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207. 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 Group Art Unit 1614 for examination.

Anthony Knight
Supervisor
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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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/996,764	01/25/2008	1614	465	DStM 15463-3	17	3

CONFIRMATION NO. 1512

CORRECTED FILING RECEIPT

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

Date Mailed: 12/22/2009

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)

Emil Toma, Montreal, QC, CANADA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/CA06/01149 07/13/2006
which claims benefit of 60/702,608 07/27/2005

Foreign Applications

If Required, Foreign Filing License Granted: 05/24/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/996,764**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Zalcitabine (Ddc) Boosted Lamivudine (3Tc) Compositions for Antiretroviral Therapy

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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APR 0 9 2009

OFFICE OF PETITIONS

Cooley Godward Kronish, LLP
Attn: Patent Group
Suite 1100
777 – 6th Street NW
Washington, DC 20001

In re Application of	:	
Satyanarayana Chava et al.	:	
Application No. 11/996,787	:	DECISION ON PETITION
Filed: May 21, 2008	:	TO WITHDRAW
Attorney Docket No. 16810.18	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 1, 2008.

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

A review of the file record indicates that the power of attorney to Erich E. Veitenheimer and all attorneys/agents associated with customer number 58249 have been revoked by the assignee of the patent application on December 19, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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

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18 DEC 2009

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King Spalding LLP
4 Embarcadero Center
Suite 3500
San Francisco, CA 94111

In re Application of
Holger LINK
Application No.: 11/996,802
PCT No.: PCT/EP2006/007217
Int. Filing Date: 21 July 2006
Priority Date: 28 July 2005
Attorney Docket No.: 189942/US
For: CONTAINER HOLDER

DECISION ON REQUEST

This decision is issued in response to applicant's "Request to Correct Inventorship under 37 CFR 1.48(f)(1)" filed 19 March 2009.

On 21 July 2006, applicant filed international application PCT/EP2006/007217 which claimed a priority date of 28 July 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 February 2007. The international application named Holger LINK as the sole applicant/inventor. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 28 January 2008.

On 25 January 2008, applicant filed a transmittal letter for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee; a copy of the international application; and an Application Data Sheet (ADS). The ADS identified two applicant/ inventors, Holger LINK and Norbert SIEMONS.

On 19 March 2009, applicant submitted a declaration executed by Holger LINK and a "Request to Correct Inventorship under 37 CFR 1.48(f)(1)" to correct the error on the ADS. (The ADS included an additional inventor (Norbert SIEMONS) not listed on the international application.) A petition under 37 CFR 1.48(f) is only available for nonprovisional applications under 37 CFR 1.53.[1] Further, the inclusion of an additional inventor on the ADS did not effect the inventorship herein. Hence, applicant's "Request to Correct Inventorship under 37 CFR 1.48(f)(1)" is **DISMISSED** as moot.

[1]See 37 CFR 1.497(d) for applications filed under 35 U.S.C. 371.

Applicant should also note that correction of erroneously identified inventor(s) on the ADS is permitted under 37 CFR 1.76(d)(3). Specifically, correction of the ADS is accomplished by the submission of a request for correction and a supplemental application data sheet. (See also Section 601.05 of the Manual of Patent Examining Procedure.)

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

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

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11 FEB 2009

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MCGLEW & TUTTLE, PC
P.O. BOX 9227
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-9227

In re Application of	:	
BUHL, et al.	:	
Application No.: 11/996,807	:	DECISION ON PETITION
PCT No.: PCT/DE06/01313	:	
Int. Filing Date: 28 July 2006	:	UNDER 37 CFR 1.181
Priority Date: 28 July 2005	:	
Atty Docket No.: 72886	:	
For: JOINT ARRANGEMENT	:	

This is a decision on applicant's request for correction of "Notice of Acceptance" as to the date of completion of the 35 U.S.C. 371 requirements and request for refund filed 23 October 2008 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 25 January 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application into English; an Information Disclosure Statement and a first preliminary amendment.

On 12 June 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to file an executed oath or declaration of the inventors and provide payment of the $130.00 surcharge for providing an executed oath or declaration of the inventors later than thirty months from the earliest claimed priority date.

On 01 October 2008, applicant filed an executed combined declaration and power of attorney and assignment document. As authorized, the $130.00 surcharge was charged to deposit account 13-0410.

On 08 October 2008, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 01 October 2008.

On 23 October 2008, applicant filed the present petition claiming that the 371

requirements were satisfied on upon initial national stage entry on 25 January 2008.

DISCUSSION

A review of the international application finds that a declaration of the inventors was provided upon the initial filing of the international application. This declaration satisfies the requirement of 35 U.S.C. 371 (c)(4). As such, it is proper to grant applicant's petition at this time. As the declaration was timely filed, the $130.00 surcharge will be refunded to deposit account number 13-0410.

CONCLUSION

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

The application has an international filing date of 28 July 2006 under 35 U.S.C. 363 and will be given a date of **25 January 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 08 October 2008 indicating a date of 01 October 2008 under 35 U.S.C. 371(c) is hereby **VACATED**.

The $130.00 surcharge for providing an oath or declaration of the inventor later than thirty months from the claimed priority date charged on 07 October 2008 will be credited to Deposit Account No.: 13-0410.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.

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

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BARNES & THORNBURG LLP
750-17TH STREET NW
SUITE 900
WASHINGTON DC 20006-4675

MAIL

MAR 13 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
AHTISAARI, ET AL., MARKO
Application No. 11/996,870
Filed: January 25, 2008
Attorney Docket No. 45230-46377

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 February 28, 2008 and re-filed March 3, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO 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 UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO 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 and 5 above in that the petition fails to include a copy of the actual allowable/patentable claims and Office action from the UKIPO application.

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

Any Response must be submitted by EFS web.

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

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

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN 23 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

BARNES & THORNBURG LLP
750-17TH STREET NW
SUITE 900
WASHINGTON DC 20006-4675

In re Application of
AHTISAARI, ET AL., MARKO
Application No. 11/996,870
Filed: January 25, 2008
Attorney Docket No. 45230-46377

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 April 14, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO 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 UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

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

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

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

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

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

17 JUN 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

In re Application of	:	
DOHRING, et al.	:	
U.S. Application No.: 11/996,877	:	DECISION ON PETITION
PCT No.: PCT/EP05/50548	:	
Int. Filing Date: 08 February 2005	:	UNDER 37 CFR 1.137(b)
Priority Date: 19 January 2005	:	
Attorney Docket No.: BARDP0149US	:	
For: HEATING DEVICE FOR WALL, CEILING OR FLOOR COVERINGS	:	

The petition to revive under 37 CFR 1.137(b) filed 25 January 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors and payment of the necessary surcharges and late fees are required.

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

1 8 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

In re Application of	:	
DOHRING, et al.	:	
U.S. Application No.: 11/996,877	:	DECISION ON PETITION
PCT No.: PCT/EP05/50548	:	
Int. Filing Date: 08 February 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 19 January 2005	:	
Attorney Docket No.: BARDP0149US	:	
For: HEATING DEVICE FOR WALL, CEILING OR FLOOR COVERINGS	:	

This decision is in response to the applicant's petition under 37 CFR §1.47 (a) filed 06 April 2009 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Heinz Zorn.

BACKGROUND

On 17 June 2008, applicant was mailed a decision granting applicant's petition to revive under 37 CFR 1.137(b).

On 06 November 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 06 April 2009, applicant filed the present petition under 37 CFR 1.47 accompanied by a petition for a three-month extension of time and payment of the extension of time fee. With the payment of the three-month extension of time fee, the present response is considered timely filed. Applicant is advised that the $130.00 processing fee for providing an English translation of the application or annexes will be charged to deposit account 18-0988 as authorized.

DISCUSSION

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

behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items (1), (3) and (4) above.

Regarding item (2), Applicant has not included any firsthand evidence to support the contention that the inventor has not responded to any communications. As stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature." In the present petition all that has been provided is a declaration from counsel indicating what he has been told of attempts to get the non-signing inventor to cooperate. As such, it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

17 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

In re Application of	:	
DOHRING, et al.	:	
U.S. Application No.: 11/996,877	:	DECISION ON PETITION
PCT No.: PCT/EP05/50548	:	
Int. Filing Date: 08 February 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 19 January 2005	:	
Attorney Docket No.: BARDP0149US	:	
For: HEATING DEVICE FOR WALL, CEILING OR FLOOR COVERINGS	:	

This decision is in response to the applicant's renewed petition under 37 CFR §1.47 (a) filed 20 July 2009 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Heinz Zorn.

BACKGROUND

On 18 May 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to file any request for reconsideration.

On 20 July 2009, applicant filed the present renewed petition under 37 CFR 1.47. 18 July 2009 being a Saturday, the renewed petition is considered timely filed.

DISCUSSION

As detailed in the decision mailed 18 May 2009, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1), (3) and (4) above.

Regarding item (2), applicant has presently included a firsthand statement showing that a complete set of application papers were provided to the non-signing inventor. The inventor's subsequent response indicating that a signature would only be provided upon monetary compensation constitutes a refusal for the purposes of 37 CFR 1.47 and it is therefore proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 08 February 2005 under 35 U.S.C. 363, and will be given a date of **06 April 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

17 SEP 2009

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

Mr. Heinz Zorn
Macherweg 11, 8063 H
f-Prabach
AUSTRIA

In re Application of
DOHRING, et al.
U.S. Application No.: 11/996,877
PCT No.: PCT/EP05/50548
Int. Filing Date: 08 February 2005
Priority Date: 19 January 2005
Attorney Docket No.: BARDP0149US
For: HEATING DEVICE FOR WALL, CEILING OR FLOOR COVERINGS

Dear Mr. Zorn:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115
UNITED STATES OF AMERICA

UNITED STATES PATENT AND TRADEMARK OFFICE

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

21 APR 2008

Stites & Harbison, PLLC
400 W. Market Street
Suite 1800
Louisville, KY 40202-3352

In re Application of:
WANG, Eugenia
Application No.: 11/996,892
PCT No.: PCT/US06/27910
Int. Filing Date: 19 July 2006
Priority Date: 20 July 2005
Attorney Docket No.: UN024/0UN43-US
For: METHOD FOR MEASURING CYTOPATHIC EFFECT DUE TO VIRAL INFECTION IN CELLS USING ELECTRIC CELL-SUBSTRATE IMPEDANCE SENSING

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 25 January 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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

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

MAILED

JAN 28 2010

OFFICE OF PETITIONS

In re Application of
Mario Bock
Application No. 11/996,893
Filed: January 25, 2008
Attorney Docket No. 030304-00001

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, 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 Murat Ozgu on behalf of all attorneys of record who are associated with customer No. 04372. All attorneys/agents associated with the Customer Number 04372 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 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: MARIO BOCK
BREITSCHEIDSTR 95C
RUDOLSTADT 07407 GERMANY

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
11/996,893	07/16/2008	Mario Bock	030304-00001

CONFIRMATION NO. 1538

POWER OF ATTORNEY NOTICE

4372
ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Date Mailed: 01/26/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/19/2009.

- 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

UNITED STATES PATENT AND TRADEMARK OFFICE

12 JUN 2009

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www.uspto.gov

61060
WINSTEAD PC
P.O. Box 50784
Dallas, TX 75201

In re Application of :
LITVINOV *et al* :
U.S. Application No.: 11/996,945 :
PCT No.: PCT/US2006/029390 :
Int. Filing Date: 26 July 2006 :
Priority Date: 27 July 2005 :
Attorney Docket No.: 23853-P007WOUS :
For: NANOMAGNETIC DETECTOR ARRAY :
FOR BIOMOLECULAR RECOGNITION :

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the request to delete an inventor in the above-captioned application filed 28 August 2008.

BACKGROUND

On 29 April 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 28 August 2008, applicants submitted a declaration executed by two joint inventors which was accompanied by, *inter alia*, the subject petition and fee; a statement by the inventor being removed; a statement by the assignee; a two-month extension and fee; and a statement under 37 CFR 3.73(b).

DISCUSSION

Applicants request to remove Mr. John C. Wolfe as an inventor in the above-captioned application.

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

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

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

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

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

Here, applicants filed a statement by Mr. Wolfe who requests to be removed as an inventor in the above-captioned application. The statement declares that the error "without deceptive intent by me." The processing fee of $130.00 has been paid.

Items (1) and (2) of 37 CFR 1.497(d) are satisfied.

Applicants also submitted a written consent of the assignee, The University of Houston. This document was signed by Mr. John P. Warren, Jr. as the Executive Director.

However, the Consent of Assignee is not accepted for the following reason. MPEP § 324 states that: "[a] person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. The position of Executive Director is not presumed to have authority to sign the statement on behalf of the assignee. In addition, the submission does not set forth that Mr. Warren is authorized to act on behalf of the assignee.

For this reason, item (3) of 37 CFR 1.497(d) is not yet satisfied.

Therefore, all the requirements of 37 CFR 1.497(d) are not yet complete.

CONCLUSION

For the reason discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response

must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

The $65.00 surcharge fee was charged to Deposit Account No. 23-2426 as authorized. It is also noted that the declaration filed with the subject petition is not in compliance with 37 CFR 1.497(a) and (b). The declaration contains noninitialed, changes recorded on the mailing address of the second named inventor.

Any changes made in ink should be initialed and dated 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* 605.04(a) MPEP. A new declaration in compliance with 37 CFR 1.497(a) and (b) is required with any renewed petition.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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Dallas, TX 75201

In re Application of :
LITVINOV *et al* :
U.S. Application No.: 11/996,945 :
PCT No.: PCT/US2006/029390 :
Int. Filing Date: 26 July 2006 :
Priority Date: 27 July 2005 :
Attorney Docket No.: 23853-P007WOUS :
For: NANOMAGNETIC DETECTOR ARRAY :
FOR BIOMOLECULAR RECOGNITION :

DECISION ON RENEWED PETITION UNDER 37 CFR 1.497(d)

This is a decision on the renewed request under 37 CFR 1.497(d) to remove an inventor in the above-captioned application.

BACKGROUND

On 12 June 2009, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 16 July 2009, applicants filed the subject response along with a consent of the assignee to change the inventorship.

DISCUSSION

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

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being removed as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17(l); and

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

Items (1) and (2) of 37 CFR 1.497(d) were satisfied in the initial petition.

Regarding item (3) of 37 CFR 1.497(d), applicants submitted a written consent of the assignee signed by Mr. Donald L. Birx as the Vice President for Research. The position of Vice President is presumed to have the authority to sign for an organization. *See* MPEP § 324. However, applicants did not provide 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, or provide a statement specifying where the chain of title is recorded in the assignment records of the Office. *See* 37 CFR 3.73(b)(1).

A statement under 37 CFR 3.73(b) was filed on 28 August 2008; however, the assignment was not received and recorded until 03 November 2008 and the statement did not specify the reel and frame number of the assignment, or provide a copy of the assignment. Therefore, the statement under 37 CFR 3.73(b) is ineffective.

Item (3) of 37 CFR 1.497(d) is still not satisfied.

CONCLUSION

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

It is also noted that the prior decision stated that the declaration filed 28 August 2008 was not in compliance with 37 CFR 1.497(a) and (b) as it contained noninitialed, changes recorded on the mailing address of the second named inventor. *See* 605.04(a) MPEP. A new declaration for inventor Richard Wilson is required.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). A declaration in compliance with 37 CFR 1.497(a) and (b) must also be provided with any renewed response.

FAILURE TO TIMELY RESPOND WILL RESULT IN THE ABANDONMENT OF THE APPLICATION.

Any further correspondence with respect to this matter may be filed electronically

Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

0 3 MAR 2010

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Dallas, TX 75201

In re Application of :
LITVINOV *et al* :
U.S. Application No.: 11/996,945 :
PCT No.: PCT/US2006/029390 :
Int. Filing Date: 26 July 2006 :
Priority Date: 27 July 2005 :
Attorney Docket No.: 23853-P007WOUS :
For: NANOMAGNETIC DETECTOR ARRAY :
FOR BIOMOLECULAR RECOGNITION :

DECISION ON RENEWED PETITION UNDER 37 CFR 1.497(d)

This is a decision on the renewed request under 37 CFR 1.497(d) filed 05 January 2010.

BACKGROUND

On 05 November 2009, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 05 January 2010, applicants filed the subject response along with a declaration executed by two inventors.

DISCUSSION

Applicants request to remove Mr. John C. Wolfe as an inventor and have filed a petition under 37 CFR 1.497(d).

Applicants failed to satisfy item (3) of 37 CFR 1.497(d) in the prior petition. Specifically, applicants did not provide 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, or provide a statement specifying where the chain of title is recorded in the assignment records of the Office. *See* 37 CFR 3.73(b)(1).

In the renewed petition, applicants provided a new consent by the assignee along with a statement under 37 C.F.R. 3.73(b) containing the reel and frame number of the assignment. As previously noted the position of Vice-President is presumed to have the authority to sign for an organization. This is sufficient to satisfy item (3) of 37 CFR 1.497(d).

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

CONCLUSION

Applicants' request to remove John C. Wolfe as an inventor pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed with the subject petition is in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 26 July 2006 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 05 January 2010.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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.
11/996,966	06/24/2008	Ana Martinez Gil	4258-149	2186

23448 7590 10/08/2009
INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER	
ZAREK, PAUL E	

ART UNIT	PAPER NUMBER
1628	

MAIL DATE	DELIVERY MODE
10/08/2009	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709

Applicant: Martinez Gil et al.
Appl. No.: 11/996,966
Filing Date: June 24, 2008
Title: USE OF COLLISMYCIN AND DERIVATIVES THEREOF AS OXIDATIVE STRESS INHIBITORS
Attorney Docket No.: 4258-149
Pub. No.: US 2008/0275088 A1
Pub. Date: November 6, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 2, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

The applicant is also reminded that any amendments the applicant wishes to include in the publication must be incorporated into the application parts. Amendments that are not incorporated into a clean specification, clean claims listing, etc, will **not** be included in the publication.

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 10/09/2009 KKING1
10/05/2009 INTEFSW 00004408 11996966
01 FC:1504 -300.00 OP

Refund Ref:
10/09/2009 0030075384

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX5004

UNITED STATES PATENT AND TRADEMARK OFFICE

29 SEP 2008

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

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

In re Application of	:	
JUNGKLAS, et al.	:	
U.S. Application No.: 11/996,997	:	DECISION ON PETITION
PCT No.: PCT/EP06/06939	:	
Int. Filing Date: 15 July 2006	:	UNDER 37 CFR 1.182
Priority Date: 29 July 2005	:	
Attorney's Docket No.: 7911-64US (GP 1353 US)	:	
For: METHOD FOR DATA TRANSMISSION BETWEEN A PUMP ASSEMBLY AND A CONTROL DEVICE AND A CORRESPONDINGLY DESIGNED PUMP SYSTEM	:	

This decision is in response to applicant's correspondence filed 29 August 2008 in the United States Patent and Trademark Office (USPTO). For the reasons discussed below the papers are being treated as a petition under 37 CFR 1.182. As authorized, the $400.00 petition fee will be charged to deposit account number 50-1017.

BACKGROUND

On 15 July 2006, applicant filed international application PCT/EP06/06939, which claimed priority of an earlier application filed 29 July 2005. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 08 February 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 29 January 2008.

On 28 January 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application as filed, an Information Disclosure Statement, an executed declaration of the inventors, an Application Data Sheet and a First preliminary amendment.

On 30 June 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. The filed declaration was found to have the name of the second listed inventor identified differently than the published international application. Applicant was

given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 29 August 2008, applicant filed the present petition under 37 CFR 1.182 to change the name of inventor Jorgen Jensen.

DISCUSSION

§ 201.03 of the Manual of Patent Examining Procedure (MPEP) states that, "Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. Reference to the notification will be made on the previously filed oath or declaration."

In the present case, the error can not be classified as a mere typographical or transliteration error of the spelling of the inventor's name, as such, a petition under 37 CFR 1.182 to excuse the error is required. Applicant has provided a statement from inventor Jensen detailing the error and providing his true name. As such, it is proper to grant applicant's petition a this time.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Jensen Jorgen to Jorgen Jensen is **GRANTED**.

The application has an international filing date of 15 July 2006 under 35 U.S.C. 363 and will be given a date of **28 January 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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

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.go

FINNEGAN, HENDERSON, FARABOW, GARRET
& DUNNER LLP
901 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20001-4413

COPY MAILED

DEC 1 0 2009

OFFICE OF PETITIONS

Applicant: Bernat Vidal Juan, et al.
Appl. No.: 11/997,048
International Filing Date: July 25, 2006
Title: PYRAZINE DERIVATIVES USEFUL AS ADENOSINE RECEPTOR ANTAGONISTS
Attorney Docket: 09605.0035-00000
Pub. No.: US 2009/0042891 A1
Pub. Date: February 12, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 10, 2009 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the first page of the specification wherein the National stage information is missing and there are multiple errors in the claims.

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

The error noted by requester with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.21(a). The failure to include an amendment is not an Office error, "See MPEP 1130(B). Besides, the front page of the publication has the National state information.

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

The error in the claims are due to faulty optical character recognition is, in this case, not Office errors. The error is due to the quality and size of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit... electronic capture by use of digital imaging and optical character recognition." As set forth at MPEP 1121, "applications with poor quality text, which may be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.22(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b)

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication** as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

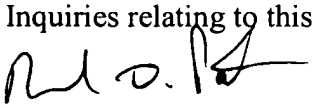
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the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

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

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

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



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

21 OCT 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KEVIN LYNN WILDENSTEIN
9400 HOLLY AVENUE NE
BUILDING 4H
ALBUQUERQUE NM 87122

In re Application of	:	
BARBER	:	
U.S. Application No.: 11/997,067	:	
PCT No.: PCT/US06/30006	:	DECISION
Int. Filing Date: 31 July 2006	:	
Priority Date: 29 July 2005	:	
Atty Docket No.: 15095	:	
For: DIGITAL IMAGING METHOD AND APPARATUS	:	

This decision is issued in response to the "PETITION TO CORRECT FILING DATE" filed 04 December 2008, under 37 CFR 1.10 to correct the 35 U.S.C. 371(c) date to 28 January 2008. No petition fee is required.

BACKGROUND

On 31 July 2006, applicant filed international application PCT/US06/30006. The international application claimed a priority date of 29 July 2005 and it designated the United States. The deadline for submitting the basic national fee was 29 January 2008, i.e., thirty months from the priority date.

On 28 January 2008, applicant filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by payment of the basic national fee.

On 15 May 2008, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating the need to provide an executed oath or declaration of the inventor and payment of the applicable surcharge.

On 15 July 2008, applicant responded with an executed declaration.

On 03 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements " and the "Date Of Completion Of All U.S.C. 371 Requirements" as "07/15/2998." Also on 03 November 2008, a filing receipt was issued that identified the "Filing Date or 371(c) Date" as 07/15/2008.

On 04 December 2008, applicant filed the present petition under 37 CFR 1.10 requesting correction of the "Filing Date or 371(c) Date" listed on the filing receipt from 15 July 2008 to 28 January 2008.

DISCUSSION

The present petition requests that the "Filing Date or 371(c) Date" listed on the filing receipt be corrected from 15 July 2008 to 28 January 2008.

The "Filing Date or 371(c) Date" listed on the filing receipt for a national stage application filed under 35 U.S.C. 371 is the date of completion of the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). As detailed in the Manual of Patent Examining Procedure:

> The "Application Filing Date" field formerly displayed in PAIR was changed to "Filing or 371(c) Date" to clearly indicate that for international applications that enter the national stage under 35 U.S.C. 371, the information displayed in this field is the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements. Applicants are quite often confused as to the true filing date and will ask for corrected filing receipts thinking that the information thereon is wrong. This explanation should offer some clarity. For most legal purposes, the filing date is the PCT international filing date. (See MPEP 1893.03(b).)

A review of the application file reveals that the materials filed by applicant on 28 January 2008 included the basic national fee. The underlying international application was in English; therefore no translation was required. Accordingly, as of 28 January 2008, applicant had satisfied the requirements of 35 U.S.C. 371(c)(1) and (c)(2); but not the requirement of 35 U.S.C. 371(c)(4).

Based on the above, the date of completion of the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present national stage application is 15 July 2008; the date that an executed declaration of the inventor was supplied. Therefore, the Notification Of Acceptance and filing receipt mailed 03 November 2008, both of which identified the 35 U.S.C. 371(c) date as 15 July 2008 were correct. The present decision and Form PCT/DO/EO/903 correctly identify the priority date of the application as 29 July 2005.

CONCLUSION

The petition under 37 CFR 1.10 to correct the 35 U.S.C. 371(c) date is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Such a petition should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10."

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of :

Mitchell J. GHEN et al. :
Application No. 11/997,069 : DECISION ON PETITION
Filed: July 30, 2008 : TO WITHDRAW
Attorney Docket No. **EBT-100US** : 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 18, 2010.

The request is **NOT APPROVED**.

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

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

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

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **LYNN HOLOWESKO**
HOLOWESKO & COMPANY
330 BAY STREET
P.O. BOX N 4911
NASSAU
THE BAHAMAS

31 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Vincent L. Capuano
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934

In re Application of
DAHMEN et al.
Application No.:11/997,079
PCT Application No.: PCT/EP06/06932
Int. Filing Date: 15 July 2006
Priority Date: 28 July 2005
Attorney Docket No.: 2400.2020000/VLC/L-Z/KHR
For: SYNERGISTIC FUNGICIDAL ACTIVE SUBSTANCE COMBINATION CONTAINING A CARBOXAMIDE, AN AZOLE, A SECOND AZOLE OR A STROBILURIN

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to applicants' "Petition under 37 C.F.R. § 1.181" filed 28 July 2008 requesting relief based on non-receipt of the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)".

BACKGROUND

On 15 July 2006, applicants filed international application PCT/EP06/06932, which claims priority to an earlier German application filed 28 July 2005. The thirty month national stage entry deadline expired on 28 January 2008. On 28 January 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 28 March 2008, the United States Designated/Elected Office (DO/EO) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an Oath or Declaration of the inventors must be filed.

On 28 July 2008, applicants filed the instant petition, along with an executed declaration, and a fee for a two month extension of time. The petition requests that the two month extension of time fee be refunded.

DISCUSSION

Pursuant to MPEP 711.03(c), Section I. A., states in relevant part,

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

A review of the papers filed 28 July 2008 indicates that the evidence submitted by applicants is insufficient to establish that the Notification of Missing Requirements mailed on 28 March 2008 was not received by applicants. While applicants' representative has provided a statement that the Notification was not received, applicants' representative has not, however, provided copy of the master docket record for the law firm, listing all replies docketed for when the response is due. The required evidence is the docket report showing all replies due on 28 May 2008 (when the reply to the Notification of missing Requirements was due). Furthermore, applicants have not included a statement describing the docketing system of the practitioner's firm and establishing that the system is sufficiently reliable, and that a search of the practitioner's file jacket and docket records indicates that the Notification was not received.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is **Dismissed** without prejudice.

If reconsideration of the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

Bryan Lin
PCT Legal Examiner
PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

15 MAR 2010

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of:
MELLER, Evyatar, et al.
U.S. Application No.: 11/997,134
PCT Application No.: PCT/IL2008/000054
International Filing Date: 13 January 2008
Priority Date: 11 January 2007
Attorney's Docket No.: MELLER=6A
For: METHOD AND SYSTEM FOR IN-PLACE UPDATING CONTENT STORED IN A STORAGE DEVICE

DECISION ON PETITION

This decision is issued in response to the "Petition Under 37 CFR 1.182" filed 07 February 2010, treated herein under 37 CFR 1.59 Applicants have submitted the required $200 petition fee.[1]

BACKGROUND

On 13 January 2008, applicants filed international application PCT/IL2008/000054. The application claimed a priority date of 11 January 2007, and it designated the United States. On 17 July 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for requesting entry into the national stage in the United States and for payment of the basic national fee was 30 months after the priority date, i.e., 11 July 2009.

On 28 January 2008, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, a copy of a description, claims, drawings, and abstract and a fee payment of $310. The Transmittal Letter filed by applicants on 28 January 2008 indicated that payment of the required $155 small entity basic national fee was being submitted therewith; however, the $310 fee payment included with such filing was identified by applicants during the electronic filing process as the small entity search fee ($205) and the small entity examination fee ($105). In order to avoid abandonment of the application, $155 of this fee payment will be treated as payment of the required basic national fee. An additional fee payment to complete the search fee will therefore be required from applicants.

[1] Applicants submitted $400 as the petition fee for a petition under 37 CFR 1.182. However, the applicable petition fee for a petition to expunge under 37 CFR 1.59 is $200. Accordingly, applicants will be refunded the $200 overpayment included with the present petition.

On 07 February 2010, applicants filed the "Petition Under 37 CFR 1.182" considered herein, accompanied by a copy of the published international application, a preliminary amendment, an executed declaration, and payment of additional fees.

DISCUSSION

In the present petition, applicants state that the description, claims, drawings, and abstract filed 28 January 2008 represent an amended version of the international application that were inadvertently filed herein and they request that such materials be expunged from the application file. The petition has therefore been treated as a petition to expunge information unintentionally submitted in application.

Section 724.05 (II) of the MPEP states, in part:

> A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b)provided that:
>
> (A) the Office can effect such return prior to the issuance of any patent on the application in issue;
>
> (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
>
> (C) the information has not otherwise been made public;
>
> (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
>
> (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
>
> (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

In the present case, applicants have not demonstrated that the failure to remove from the application file the description, claims, drawings, and abstract filed 28 January 2008 would cause irreparable harm. The petition to expunge is therefore appropriately dismissed on the present record.

It is noted that, although they will remain in the application file, the description, claims, drawings, and abstract filed 28 January 2008 will not be used in the present national stage application. Rather, the description, claims, drawings and abstract contained in the published international application, subject to consideration of the preliminary amendment filed on 07 February 2010, will be used herein.

CONCLUSION

Applicants' petition to expunge the description, claims, drawings, and abstract inadvertently filed herein on 28 January 2008 is **DISMISSED** without prejudice.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision, including a determination as to whether all required fees herein have been paid.

The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 February 2010.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Ghassan S. Kassab

Application No. 11997139

Filed: May 14,2008

Attorney Docket No. P01593-US-01 (26259.0037)

: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 24-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.

29 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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BERENATO, WHITE & STAVISH, LLC
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA MD 20817

In re Application of	:	
PETER, Ralph	:	
Application No.: 11/997,170	:	DECISION ON
PCT No.: PCT/EP2007003173	:	
Int. Filing Date: 10 April 2007	:	PETITION
Priority Date: 13 April 2006	:	
Attorney Docket No.: 26202.710	:	UNDER 37 CFR 1.182
For: CLAMPING DEVICE	:	

This is a decision on applicant's petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 01 June 2009.

BACKGROUND

On 29 January 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The electronic information entered upon filing indicated this application was a national phase of PCT/US2007/003173. The papers listed international application no. PCT/EP2007/003173.

On 01 April 2009, the Office mailed Notification, informing applicant of the above discrepancy.

On 01 June 2009, applicant filed this petition under 37 CFR 1.182 to correct the above discrepancy.

DISCUSSION

Applicants have explained that the paperwork was intended as a national stage entry of PCT/EP2007/003173. The indications will be corrected in the file and the file will be processed as a national stage entry of PCT/EP2007/003173.

CONCLUSION

For the reasons listed above, the Petition Under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

PTO/SB/130 (03-08)
Approved for use through 05/31/2008. OMB 0651- 0031
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11/997,229	Confirmation Number	4341	Filing Date	2008-01-29
Attorney Docket Number (optional)	0517637.00004	Art Unit	1793	Examiner	not assigned
First Named Inventor	FARHA, FLOYD E.				
Title of Invention	SULFUR REMOVAL USING FERROUS CARBONATE ABSORBENT				

Attention: Office of Petitions

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

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

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

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

Given Name	Middle Name	Family Name	Suffix
FLOYD	E.	FARHA	

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

Select (1) or (2) :

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

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

Signature	/Mark R. Backofen/	Date (YYYY-MM-DD)	2008-05-07
Name	MARK R. BACKOFEN	Registration Number	51423

PTO/SB/130 (03-08)
Approved for use through 05/31/2008. OMB 0651- 0031
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Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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In re Application of
Floyd Farha

Application No. 11997229

Filed: January 29,2008

Attorney Docket No. 0517637.00004

: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-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.

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12 FEB 2008

SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA, GA 30309-3592

In re Application of: PASCH, Lothar
U.S. Application No.: 11/997,254
PCT No.: PCT/NL2006/000353
International Filing Date: 11 July 2006
Priority Date: 28 July 2005
Atty Docket No.: 033123.002
For: HEATING ELEMENT FOR BAKING OVENS

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 01 February 2008 in the above-captioned application is hereby **GRANTED** as follows:

The above-captioned application became abandoned with respect to the U.S. at midnight on 28 January 2008 based on applicant's failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival includes payment of the required petition fee. Applicant has previously submitted (on 29 January 2008) the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the present petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirements of 37 CFR 1.137(b)(3).

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

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicant has not yet submitted an executed declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA GA 30357-0037

In re Application of: GIRAUD ET AL.	:	DECISION
U.S. Application No.: 11/997,270	:	
PCT Application No.: PCT/FR06/001600	:	ON
Int. Filing Date: 05 July 2006	:	
Priority Date: 29 July 2005	:	PETITION
Atty Docket No.: B234 1090US	:	
For: Method for Hydrophobising and Improving the Beading Effect of Construction Materials	:	UNDER
	:	37 CFR 1.137(b)

BACKGROUND

On 05 July 2006, applicant filed international application PCT/FR2006/001600, which designated the U.S. and claimed priority date of 29 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 January 2008. On 29 January 2008, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission did not include the required basic national fee. On 30 January 2008, PCT /FR2006/001600 became abandoned as to the United States of America for failure to timely pay the Basic National Fee.

On 23 June 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the required petition fee has been received.

Regarding item (3), the petition includes the required statement.

Regarding item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements (FORM PCT/DO/EO/905), which should indicate that an oath or declaration under 37 CFR 1.497 must be filed.

Katherine Moran
PCT Special Programs, Detailee
Office of PCT Legal Administration
Telephone: (571) 272-6095

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Admin.

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GRIFFIN & SZIPL, PC
SUITE PH-1
2300 NINTH STREET, SOUTH
ARLINGTON VA 22204

In re Application of	:	DECISION ON
Hermann GROSCH et al	:	
Application No.: 11/997,291	:	
PCT No.: PCT/EP2006/007377	:	
Int. Filing Date: 26 July 2006	:	PETITION UNDER
Priority Date: 29 July 2005	:	
Attorney's Docket No.: RHEIN0018	:	
For: HAND GRENADE	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 04 September 2009.

BACKGROUND

On 26 July 2006, this international application was filed, claiming an earliest priority date of 29 July 2005.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 29 January 2008.

On 29 January 2008, applicants filed a Transmittal letter for entry into the national stage in the United States, which was accompanied by, basic national fee. However, no executed declaration or oath and no translation into English of the international application was provided at that time.

On 14 May 2008, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that that the translation of the application into English and an executed declaration must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond.

On 14 July 2008, applicants submitted an executed declaration.

On 02 September 2009, the USPTO mailed applicant a Notification of Abandonment (Form PCT/DO/EO/909) indicating no English Translation Of Application submitted.

On 04 September 2009, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, accompanied by, *inter alia*, an English translation of the international application.

DISCUSSION

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

Petitioner has provided: (1) the proper reply by submitting an English translation of the international application, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

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

DECISION

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

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

Rafael Bacares
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PCT Legal Office

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FISH & RICHARDSON P.C.
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In re Application of
OH, HYEON O, et al.
Application No. 11/997,314
Filed: January 29, 2009
Attorney Docket No. 24622-0091US1

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 28, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to 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
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FISH & RICHARDSON P.C.
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In re Application of
OH, HYEN O, et al.
Application No. 11/997,317
Filed: April 30, 2008
Attorney Docket No. 24622-0093US1

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 November 20, 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
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FISH & RICHARDSON P.C.
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In re Application of
OH, HYEN-O, et al.
Application No. 11/997,318
Filed: January 29, 2008
Attorney Docket No. 19819-204US1

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 24, 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
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In re Application of
OH, HYEON O, et al.
Application No. 11/997,319
Filed: May 05, 2008
Attorney Docket No. 24622-0094US1

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 November 20, 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
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In re Application of
OH, HYEON O, et al.
Application No. 11/997,321
Filed: May 06, 2008
Attorney Docket No. 24622-0095US1

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 November 20, 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
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21874
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, MA 02205

In re Application of :
BERNDL *et al* :
Application No.: 11/997,325 :
PCT No.: PCT/EP2006/007840 :
Int. Filing Date: 08 August 2006 :
Priority Date: 08 August 2005 : **DECISION**
Attorney's Docket No.: 80997US(54410) :
For: DOSAGE FORMS WITH IMPROVED :
BIOAVAILABILITY :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 30 January 2008, applicants filed papers using the EFS-Web system to enter the national stage of PCT/EP2006/007840 at 09:23:23 using attorney docket number 80997US(54410). This application was given U.S. application number 11/997,325. Applicants submitted the required fees with this application.

A second set of national stage papers for PCT/EP2006/007840 was filed using the EFS-Web system at 12:13:23 on the same day using the same attorney docket number. The second filing was denoted as U.S. application number 11/997,334. Fees totaling $1,510.00 were charged to Deposit Account No. 04-1105 as requested.

On 29 January 2009, a request for refund was filed in the subject application for the fees paid in U.S. Application No. 11/997,334.

On 24 June 2009, a denial of applicants' request for refund was sent by Ms. Rita White of the national stage processing branch of the Office. Ms. White wrote that applicants must petition with the Office of PCT Legal Administration to have one of the duplicate applications withdrawn and fees refunded.

On 29 June 2009, applicants filed a paper titled "Petition to Withdraw Application Ser. No. 11/997,334 and Request for Refund of Filing Fees for Application Ser. No. 11/997,334" requesting that the duplicate application be withdrawn and all fees paid in the second application refunded.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/EP2006/007840. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only; thus, only one national stage application may develop from an international application. Both filings on 30 January 2008 indicate that the filing is a "U.S. National Stage under 35 USC 371" of PCT/EP2006/007840. No conflicting instructions appear in the application papers.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/EP2006/007840 denoted as U.S. application No. **11/997,325**.

Applicants must use only U.S. application No. **11/997,325** for all correspondence to the national stage application of PCT/EP2006/007840. Applicants are advised that U.S. application No. 11/997,334 is no longer a valid U.S. National stage application.

All fees paid in U.S. Application No. 11/997,334 have been credited back to counsel's Deposit Account No. 04-1105.

This application is being forwarded to Group Art Unit 1615 for examination.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

23 DEC 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of :
REDHA, et al. : DECISION ON PETITION
U.S. Application No.: 11/997,387 :
PCT No.: PCT/CH06/00399 : UNDER 37 CFR 1.497(d)
Int. Filing Date: 02 August 2006 :
Priority Date: 03 August 2005 :
Atty Docket No.: P-70756-US :
For: DEVICE FOR CONNECTING HOLLOW :
ORGANS, ESPECIALLY BLOOD VESSELS :
BY SURGERY :

This decision is in response to applicant's "Petition to Add Inventor Under 37 CFR 1.497(d)" filed 16 December 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 August 2006, applicant filed international application PCT/CH06/00399, which claimed priority of an earlier application filed 03 August 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 February 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 03 February 2008.

On 30 January 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an English translation of the international application as filed.

On 30 June 2008, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 16 December 2008, applicant responded with the present petition accompanied by a petition for a four-month extension of time and payment of the appropriate extension of time fee. The response is considered timely filed.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

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

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

As to Item (1), applicant has provided a statement from Essam Abdulaziz Alshail declaring that the error in inventorship occurred without deceptive intent.

Regarding Item (2), applicant has filed a combined declaration and power of attorney executed by the three inventors listed on the published international application, as well as, Essam Abdulaziz Alshail.

As to Item (3), applicant has provided payment of the $130.00 petition fee.

Regarding item (4), applicant has provided a statement of consent from the assignee and a statement under 37 CFR 3.73(b).

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

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

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application has will be given an international application filing date of 02 August 2006 and will be given a date of **16 December 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

United States Patent and Trademark Office

0 8 DEC 2008

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

In re Application of
McDevitt et al.
Application No. 11/997,396
PCT No.: PCT/US2006/021209
Int. Filing Date: 31 May 2006
Priority Date: 31 May 2005
Att. Docket No.: LABN:027US
For: Methods And Compositions Related To Determination And Use Of White Blood Cell Counts

DECISION

The petition to revive under 37 CFR 1.137(b) filed on 30 January 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

MAILED

APR 17 2009

OFFICE OF PETITIONS

Applicant: Kenji
Appl. No.: 11/997,529
International Filing Date: August 2, 2006
Title: INFORMATION OUTPUT DEVICE, MEDIUM, AND INFORMATION INPUT/OUTPUT DEVICE
Attorney Docket No.: E7483-00007
Pub. No.: 2008/0192300 A1
Pub. Date: August 14, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 1, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the benefit claim data to the Japanese application contains a wrong number.

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

The error in the benefit claim to the Japanese Application on the front page of the publication is an Office mistake, in that the correct number should be JP 2006-121239 rather than the printed JP 2005-121239, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the foreign priority claim is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The specification and claims were

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

accurately published, thus one can read and understand the content of the application. The error also does not affect the use of the patent application publication as a prior art reference, because the foreign priority date is not useable as a reference date.

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

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

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

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

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

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

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

12 FEB 2008

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20575
MARGER JOHNSON & MCCOLLOM, P.C.
210 SW Morrison Street, Suite 400
PORTLAND OR 97204

In re Application of
KIM *et al*
Application No.: 11/997,547
PCT No.: PCT/KR2006/002586
Int. Filing Date: 30 June 2006
Priority Date: 10 August 2005
Attorney's Docket No.: 3576-060
For: RED PHOSPHOR, METHOD FOR MANUFACTURING THE SAME AND LIGHT EMITTING DIODE FOR USING THE SAME

DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 31 January 2008, applicants filed papers using the EFS-Web system to enter the national stage of PCT/KR2006/002586 at 20:03:31 using attorney docket number 3576-060. This application was given U.S. application number 11/997,545. No fees were paid in the application

A second set of national stage papers for PCT/KR2006/002586 was filed using the EFS-Web system at 20:13:08 on the same day using the same attorney docket number. The second filing was denoted as U.S. application number 11/997,547. Fees totaling $930.00 were provided in the second application.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/KR2006/002586. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only; thus, only one national stage application may develop from an international application. Both filings on 31 January 2008 indicate that the filing is a "U.S. National Stage under 35 USC 371." of PCT/KR2006/002586. No conflicting

instructions appear in the application papers.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/KR2006/002586 denoted as U.S. application No. **11/997,547**.

Applicants must use only U.S. application No. **11/997,547** for all correspondence to the national stage application of PCT/IB2006/051965. Applicants are advised that U.S. application No. 11/997,545 is no longer a valid U.S. National stage application.

This application is being forwarded to the Office of Patent Application Processing for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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20 JUN 2008

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Eaton Peabody Patent Group, LLC
P.O. Box 5249
77 Sewall Street, Suite 3000
Augusta, ME 04332-5249

In re Application of :
REIMANN-PHILIPP et al. :
Application No.: 11/997,602 : DECISION ON PETITION
PCT No.: PCT/US06/30321 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 02 August 2006 :
Priority Date: 03 August 2005 :
Attorney Docket No.: 09P01US02 :
For: METHOD AND COMPOSITION FOR REMOVING BIOLOGICAL FOULING FROM SURFACES IN CONTACT WITH WATER :

The petition to revive under 37 CFR 1.137(b) filed 15 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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Office of PCT Legal Administration
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DEWITT ROSS & STEVENS SC
2 EAST MIFFLIN STREET, SUITE 600
MADISON, WI 53703-2865

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JUN 04 2009

OFFICE OF PETITIONS

In re Application of :

Parag SADHALE :
Application No. 11/997,622 :
Filed: February 2, 2008 :
Attorney Docket No. **88870.016** :

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 4, 2009.

The request is **APPROVED**.

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

The request was signed by Charles S. Sara 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 communications from the Office will be directed to the sole named signing inventor Parag Sadhale, at the address below until otherwise properly notified by the applicant.

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

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

cc: **PARAG SADHALE**
003 STANBERRY COURT, 60 FEET ROAD
AMARJYOTI LAYOUT, SANJAY NAGAR
BANGALORE, KARNATAKA STATE 560 094
INDIA

Attachment: Power/Revocation/New Power Of Attorney with Address Change (PTO/SB/81)

14 APR 2008

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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of	:	
ZWART	:	
Application No.: 11/997,639	:	DECISION ON
PCT No.: PCT/NL2006/000166	:	
Int. Filing Date: 31 March 2006	:	PETITION UNDER
Priority Date: 01 April 2005	:	
Attorney Docket No.: 903-247 PCT/US	:	37 CFR 1.137(b)
For: DOOR COMPRISING AN IDENTIFICATION	:	
UNIT AND AN ELECTRICAL LOCK AND DOOR	:	
BODY FOR USE IN SUCH A DOOR	:	

This decision is in response to applicant's submission filed 01 February 2008.

BACKGROUND

On 31 March 2006, applicant filed international application PCT/NL2006/000166 which designated the U.S. and claimed a priority date of 01 April 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 October 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 October 2007.

On 01 February 2008, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

On 21 February 2008, applicant filed a declaration of the inventor and the surcharge under 37 CFR 1.492(h).

DISCUSSION

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

As to item (1), applicant submitted the basic national fee on 01 February 2008.

As to item (2), applicant submitted the petition fee on 01 February 2008

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

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

Declaration of Inventors

The declaration of the inventor filed 21 February 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

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

/Daniel Stemmer/

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

12 FEB 2008

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25461
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Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, GA 30309-3592

In re Application of :
GINI, Lucia :
Application No.: 11/997,651 :
PCT No.: PCT/EP2006/064995 :
Int. Filing Date: 02 August 2006 : **DECISION**
Priority Date: 10 August 2005 :
Attorney's Docket No.: 033965.010 :
For: SOL-GEL PROCESS :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 01 February 2008, applicant filed papers using the EFS-Web system to enter the national stage of PCT/EP2006/064995 using attorney docket number 033965.010. This application was given U.S. application number 11/997,651. Fees totaling $930.00 were provided.

On 08 February 2008, applicants filed a second set of national stage papers of PCT/EP2006/064995 using the same attorney docket number. The second filing was denoted as U.S. application number 12/063,285. Fees totaling $930.00 were also provided in the second application.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application of PCT/EP2006/064995. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only; thus, only one national stage application may develop from an international application. Both filings indicate that each filing is a "U.S. National Stage under 35 USC 371." of PCT/EP2006/064995. No conflicting instructions appear in the application papers.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for of PCT/EP2006/064995 denoted as U.S. application No. **11/997,651**.

Applicants must use only U.S. application No. **11/997,651** for all correspondence to the national stage application of PCT/EP2006/064995. Applicants are advised that U.S. application No. 12/063,285 is no longer a valid U.S. National stage application.

The $930 in fees paid in the second application will be refunded.

This application is being forwarded to the Office of Patent Application Processing for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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12 MAY 2009

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In re Application of :
GINI, Lucia :
Application No.: 11/997,651 :
PCT No.: PCT/EP2006/064995 :
Int. Filing Date: 02 August 2006 : **DECISION**
Priority Date: 10 August 2005 :
Attorney's Docket No.: 033965.010 :
For: SOL-GEL PROCESS :

This decision is in response to the papers filed 19 March 2009 which are treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 12 February 2008, a decision merging duplicate national stage applications was mailed. U.S. application number 11/997,651 was deemed to be the national stage of PCT/EP2006/064995.

On 11 March 2009, the Office mailed a paper titled "Filing of 35 U.S.C. 111 Application" indicating that U.S. application number 11/997,651 was a filing under 35 U.S.C. 111(a) due to the application not being clearly identified as a national stage application, or that it contains conflicting instructions. A filing receipt and Notice to File Missing Parts of an Application identifying the subject application as a filing under 35 U.S.C. 111(a) was also mailed.

On 19 March 2009, applicants mailed a response arguing that the application is a national stage application.

DISCUSSION

The notice titled "Filing of 35 U.S.C. 111 Application" is erroneous. Applicants submitted no conflicting instructions. Moreover, the application was clearly identified as a national stage application on initial filing on 01 February 2008.

Applicants included a transmittal letter (PTO-1390) indicating the application was a national stage filing with the initial papers.

DECISION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The notice titled "Filing of 35 U.S.C. 111 Application," the filing receipt, and the Notice to File Missing Parts of an Application mailed 11 March 2009 are all **VACATED**.

This application is being forwarded to the DO/EO/US for processing as the national stage of PCT/EP2006/064995

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE

03 DEC 2008

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23405
HESLIN ROTHENBERG FARLEY & MESITI, PC
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Albany, NY 12203

In re Application of :
DUFFIELD *et al* :
U.S. Application No.: 11/997,675 :
PCT No.: PCT/GB2006/002909 :
Int. Filing Date: 04 August 2006 :
Priority Date: 05 August 2005 : **DECISION**
Docket No.: 3073.105 :
For: 3,11B-CIS-DIHYDROTETRABENAZINE : FOR THE TREATMENT OF A : PROLIFERATIVE DISEASE OR AN : INFLAMMATORY DISEASE :

This is a decision on the papers filed 26 September 2008 which are treated as a petition to add an inventor under 37 CFR 1.497(d).

BACKGROUND

On 11 June 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond with extensions of time available.

On 05 September 2008, applicants submitted a declaration executed by two inventors along with a one-month extension and fee.

On 23 September 2008, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration submitted 04 April 2008 was not in compliance with 37 CFR 1.497(a) and (b) because the inventors listed did not match the inventors listed on the international application.

On 26 September 2008, applicants filed the subject response.

DISCUSSION

Applicants' claim that the declaration filed 05 September 2008 is in accordance with 37 CFR § 1.497(a) and (b). Applicants state that "[a]fter the international application was filed it was discovered that Jean Elisabeth Yarrow should have been added as an inventor." Applicants claim that the declaration submitted 05 September 2008 is executed by the actual inventors and should be acceptable.

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

A review of PCT/GB2006/002909 shows that only one inventor was listed on the PCT Request. The declaration filed 05 September 2008 indicates that there were two inventors. There is no record that Ms. Yarrow has been added in the international application pursuant to PCT Rule 92*bis*. Accordingly, applicants' response is treated as a petition to add Ms. Yarrow as an inventor in the above-captioned application.

37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> **(1) A statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;**
>
> (2) The processing fee set forth in § 1.17(l); and
>
> **(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.**

Here, applicants have not provided items (1) and (3). The processing fee of $130.00 has been charged to Deposit Account No. 08-1935 as authorized.

CONCLUSION

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

The declaration filed 05 September 2008 is not in compliance with 37 CFR 1.497(a)(3).

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

Failure to submit a proper response will result in the abandonment of the above-captioned application.

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

23 APR 2009

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

In re Application of :
DUFFIELD *et al* :
U.S. Application No.: 11/997,675 :
PCT No.: PCT/GB2006/002909 :
Int. Filing Date: 04 August 2006 :
Priority Date: 05 August 2005 : **DECISION**
Docket No.: 3073.105 :
For: 3,11B-CIS-DIHYDROTETRABENAZINE FOR THE TREATMENT OF A PROLIFERATIVE DISEASE OR AN INFLAMMATORY DISEASE :

This is a decision on the papers filed 22 January 2009 which are treated as a renewed petition under 37 CFR 1.497(d).

BACKGROUND

On 03 December 2008, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 22 January 2009, applicants filed a response which was accompanied by, *inter alia*, a statement by the inventor being added.

DISCUSSION

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

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

inventorship in the international application occurred without deceptive intention on his or her part;

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

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

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

In the renewed petition, applicants submitted a statement by Ms. Jean Elisabeth Yarrow, the inventor being added in the above-captioned application. Ms. Yarrow states that her "not being included as an inventor in international application No. PCT/GB2006/002909 was an error in inventorship that occurred without deceptive intention on my part." This statement satisfies item (1) of 37 CFR 1.497(d).

Applicants also assert that a written consent of the assignee is not required "because an assignment has not been executed." A review of the subject application verifies that no assignment has been recorded. Item (3) of 37 CFR 1.497(d) is satisfied.

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

CONCLUSION

Applicants' request to add Jean Elisabeth Yarrow as an inventor pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 05 September 2008 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 04 August 2006, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 05 September 2008.

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

James Thomson
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

August 19, 2008

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

Dear Sir/Madam,

Your refund request for 11997689 in the amount of $780.00 has been denied .

Reason for Denial,Request was not done within three months of filing date February 01 2008, to change status.

Sincerely,
Frances Robinson
PCT - National
703 308-9140 x233

07 JAN 2009

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In re Application of:
MCNEIL, Murray, et al.
U.S. Application No.: 11/997,694
PCT No.: PCT/AU2006/01092
International Filing Date: 02 August 2006
Priority Date: 02 August 2005
Atty's Docket No.: 3989-080385
For: HEAT PUMP AND METHOD OF HEATING FLUID

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition In Support Of Filing On Behalf Of Non-Signing Inventor (37 CFR 1.47)" filed 21 November 2008. Applicants have not, however, paid the required petition fee.

BACKGROUND

On 02 August 2006, applicants filed international application PCT/AU2006/01092. The international application claimed a priority date of 02 August 2005, and it designated the United States. On 08 February 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 02 February 2008.

On 01 February 2008, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee.

On 22 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 was required.

On 21 November 2008, applicants filed the present "Petition In Support Of Filing On Behalf Of Non-Signing Inventor (37 CFR 1.47)." The petition was accompanied by payment of the four-month extension fee required for the petition to be considered a timely response to the Notification Of Missing Requirements; however, as noted above, the submission did not include the required petition fee.

The petition seeks acceptance of the application without the signature of co-inventor Murray MCNEIL, whom applicants assert has refused to execute the application.

DISCUSSION

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

Applicants here have not provided the required petition fee; item (1) is therefore not satisfied.

The petition states the last known addresses of the non-signing inventor. Item (2) is therefore satisfied.

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

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

Here, applicants have filed what appears to be a declaration executed by two of the three inventors that includes an unsigned signature block for the non-signing inventor. However, the declaration is unacceptable as filed. Specifically, the declaration does not include the citizenship of the second inventor, as required. In addition, the copy of the declaration provided is not fully legible. Based on the above, item (3) of a grantable petition is not satisfied.

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

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

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a statement from Paul Warden-Hutton, with accompanying exhibits, providing a firsthand showing that a request for signature, accompanied by a copy of the complete application, was delivered to the non-signing inventor, and that the inventor has not provided the signed declaration, as requested. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (4) is therefore satisfied.

CONCLUSION

Based on applicant's failure to submit the required $200 petition fee and an acceptable declaration, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**.

If reconsideration of the petition on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the $200 petition fee and a revised, legible declaration in satisfaction of requirement (3) of a grantable petition (as discussed above and in the MPEP).

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

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27 APR 2009

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In re Application of:
MCNEIL, Murray, et al.
U.S. Application No.: 11/997,694
PCT No.: PCT/AU2006/01092
International Filing Date: 02 August 2006
Priority Date: 02 August 2005
Atty's Docket No.: 3989-080385
For: HEAT PUMP AND METHOD OF HEATING FLUID

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47" filed 06 March 2009. The renewed petition was accompanied by the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 07 January 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide the required petition fee and an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventors.

On 06 March 2009, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition included payment of the required $200 petition fee, satisfying this outstanding requirement.

The renewed petition also includes a revised declaration that is legible and includes the citizenship of the second inventor, resolving the two defects in the previously filed declaration discussed in the decision mailed 07 January 2009. However, the revised declaration contains an unacceptable non-dated, non-initialed hand-written alteration with respect to the citizenship of the non-signing inventor (see 37 CFR 1.52(c)). Any changes made in ink in the application or declaration prior to signing should be initiated and dated by the applicants prior to execution of the declaration. The Office will not consider whether non-initialed and/or non-dated 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)). Therefore, the revised declaration filed with the renewed petition may not be accepted in satisfaction of the final outstanding requirement of a grantable petition. Applicants must submit a newly executed declaration which contains all required information and which does not include any unacceptable handwritten alterations.

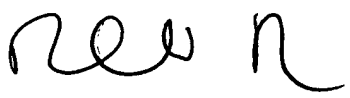
CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the petition on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)" and must include a newly executed declaration that contains all required information and is in acceptable form, as required to satisfy the final requirement of a grantable petition (as discussed above, in the previous decision, and in the MPEP).

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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



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In re Application of:
MCNEIL, Murray, et al.
U.S. Application No.: 11/997,694
PCT No.: PCT/AU2006/001092
International Filing Date: 02 August 2006
Priority Date: 02 August 2005
Atty's Docket No.: 3989-080385
For: HEAT PUMP AND METHOD OF HEATING FLUID

DECISION ON SECOND RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Second Renewed Petition Under 37 CFR 1.47" filed 29 June 2009. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed on 07 January 2009 and 27 April 2009. The most recent decision dismissed without prejudice applicants' first renewed petition under 37 CFR 1.47(a) for failure to provide an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventors.

On 29 June 2009, applicants filed the renewed petition considered herein.

DISCUSSION

The present second renewed petition includes a revised declaration executed by the two cooperating inventors. The declaration includes all required information, including an unsigned signature block for the non-signing inventor. This declaration may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor.

Based on the above, applicants have now satisfied the final outstanding requirement for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventor Murray MCNEIL.

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

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 29 June 2009.

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13 AUG 2009

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Murray MCNEIL
2 Sandalwood Street
Sinnamon Park QLD 4073
AUSTRALIA

In re Application of: MCNEIL, Murray, et al.
U.S. Application No.: 11/997,694
PCT No.: PCT/AU2006/001092
International Filing Date: 02 August 2006
Priority Date: 02 August 2005
Atty's Docket No.: 3989-080385
For: HEAT PUMP AND METHOD OF HEATING FLUID

Dear Mr. MCNEIL:

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

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

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Counsel Of Record:
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Egbert Law Offices
412 Main Street, 7th Floor
Houston, TX 77002

In re Application of :
VARICHON et al. :
Application No.: 11/997,742 :
PCT No.: PCT/FR06/50754 :
Int. Filing Date: 27 July 2006 : DECISION
Priority Date: 04 August 2005 :
Attorney Docket No.: 1429-239 :
For: COMBINED NOZZLE FOR DUST VACUUM CLEANER

This decision is issued in response to applicants' "Petition to Proceed under 35 U.S.C. 117 and under 37 CFR 1.42" filed 28 July 2008. No petition fee is due.

BACKGROUND

On 27 July 2006, applicants filed international application PCT/FR06/50754 which claimed a priority date of 04 August 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 February 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight on 04 February 2008.

On 02 February 2008, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; a preliminary amendment; and an application data sheet.

On 29 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required.

On 28 July 2008, applicants filed an executed declaration. The declaration is executed by Denis Varichon an as inventor; and Francoise Thibault on behalf of the minor sole heirs of the deceased inventor, Frederic Varichon.

DISCUSSION

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

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

Section 409.01(a) of the Manual of Patent Examining Procedure (MPEP) states that the application can also be executed by (all of the) heirs of the inventor, where no legal representative has been appointed.

In addition, it is noted that revised 37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Counsel states that the declaration filed 28 July 2008 is executed by Denis Varichon and Francoise Thibault on behalf of the minor heirs of the deceased inventor, Frederic Varichon. However, the "Declaration and Power of Attorney for Patent Application" (declaration) fails to identify the person signing the declaration for Frederic Varichon. Further, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2). Pursuant to revised 37 CFR 1.497(b)(2), in addition to the name, citizenship, former residence and post office address of the deceased inventor referenced under 37 CFR 1.497(b)(2), the declaration must also provide name, residence, citizenship, and post office address for the legal representative.

The declaration filed on 28 July 2008 provides the residence, citizenship, and post office address for only one individual and it is unclear whether this information is for the person signing the declaration or the deceased inventor. Further, the declaration fails to set forth the name of the person signing on behalf of the deceased inventor, does not identify the person's legal relationship to the deceased inventor, and does not include the citizenship, residence, and mailing address of the legal representative, as required by 37 CFR 1.497(b)(2).

Applicant must submit a new declaration that sets forth all the information required under 37 CFR 1.497(a) and (b), including the name, citizenship, and residence information for all the inventors (including the deceased inventor), the minor heirs, and the guardian of the sole heirs. The declaration must also expressly state the legal

relationship of the person executing the declaration on behalf of the heir and the deceased inventor (i.e. Francoise Thibault, legal guardian of Vincent Varichon, Alice Varichon, and Doris Varichon, minor sole heirs of deceased inventor, Frederic Varichon). As the present declaration does not contain this required information, it cannot be accepted under 37 CFR 1.42 and 1.497.

CONCLUSION

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

Applicants are required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTH** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42" and must include an acceptable declaration under 37 CFR 1.497 which has been executed by the either the legal representative of the deceased inventor or, if no legal representative has been appointed, all of the heirs of the deceased inventor.

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

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0 6 JAN 2009

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Houston, TX 77002

In re Application of :
VARICHON et al. :
Application No.: 11/997,742 :
PCT No.: PCT/FR06/50754 :
Int. Filing Date: 27 July 2006 : DECISION
Priority Date: 04 August 2005 :
Attorney Docket No.: 1429-239 :
For: COMBINED NOZZLE FOR DUST VACUUM CLEANER

This decision is issued in response to applicants' "Renewed Submission for the Petition to Proceed under 35 U.S.C. 117 and 37 CFR 1.42" filed 07 October 2008. No petition fee is due.

BACKGROUND

On 27 July 2006, applicants filed international application PCT/FR06/50754 which claimed a priority date of 04 August 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 February 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight on 04 February 2008.

On 02 February 2008, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; a preliminary amendment; and an application data sheet.

On 29 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required.

On 28 July 2008, applicants filed an executed declaration. In a decision dated 03 September 2008, the declaration was not acceptable under 37 CFR 1.42

On 07 October 2008, applicants filed the present Renewed Submission for the

Petition to Proceed under 35 U.S.C. 117 and 37 CFR 1.42.

DISCUSSION

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

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

Section 409.01(a) of the Manual of Patent Examining Procedure (MPEP) states that the application can also be executed by (all of the) heirs of the inventor, where no legal representative has been appointed.

In addition, it is noted that revised 37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 07 October 2008 is executed by Denis Varichon and Francoise Thibault on behalf of the minor heirs of the deceased inventor, Frederic Varichon. The declaration does not satisfy the requirements under 37 CFR 1.497(b)(2). Pursuant to revised 37 CFR 1.497(b)(2), in addition to the name, citizenship, former residence and post office address of the deceased inventor referenced under 37 CFR 1.497(b)(2), the declaration must also provide name, residence, citizenship, and post office address for the sole heirs. (It is noted that the residence, citizenship, and post office address for the sole heirs is required since the legal representative is signing on behalf of the sole heirs, not the deceased inventor.)

As previously stated, applicant must submit a declaration that sets forth all the information required under 37 CFR 1.497(a) and (b), including the name, citizenship, and residence information for all the inventors (including the deceased inventor), the minor heirs, and the guardian of the sole heirs. The declaration must also expressly state the legal relationship of the person executing the declaration on behalf of the heir and the deceased inventor (i.e. Francoise Thibault, legal guardian of Vincent Varichon, Alice Varichon, and Doris Varichon, minor sole heirs of deceased inventor, Frederic Varichon). As the present declaration does not contain this required information, it cannot be accepted under 37 CFR 1.42 and 1.497.

CONCLUSION

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

Applicants are required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTH** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42" and must include an acceptable declaration under 37 CFR 1.497 which has been executed by the either the legal representative of the deceased inventor or, if no legal representative has been appointed, all of the heirs of the deceased inventor.

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

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In re Application of :
VARICHON et al. :
Application No.: 11/997,742 :
PCT No.: PCT/FR06/50754 :
Int. Filing Date: 27 July 2006 : DECISION
Priority Date: 04 August 2005 :
Attorney Docket No.: 1429-239 :
For: COMBINED NOZZLE FOR DUST VACUUM CLEANER

In a decision mailed by this Office on 06 January 2009, the declaration filed by applicant on behalf of deceased inventor Frederic Varichon was dismissed for failure to include all the information required under 37 CFR 1.497.

On 20 February 2009, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 20 February 2009 identifies the deceased inventor; states the deceased inventor's country of citizenship and residence; and is signed by Francoise Thibault legal guardian of Vincent Varichon, Alice Varichon, and Doris Varichon, minor sole heirs of deceased inventor, Frederic Varichon. Additionally, the declaration filed 20 February 2009 is executed by inventor Denis Varichon. Accordingly, the declaration complies with the requirements of 37 CFR 1.42 and 37 CFR 1.497(a) - (b).

The request for status under 37 CFR 1.42 is **GRANTED**.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

14 APR 2009

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

Duane Morris LLP - NY
Patent Department
1540 Broadway
New York, NY 10036-4086

In re Application of
EBERHARDT et al.
Serial No.: 11/997,852 :
PCT No.: PCT/DE06/001243 :
Int. Filing Date: 14 July 2006 : DECISION
Priority Date: 06 August 2005 :
Atty. Docket Y2954-00003 :
For: METHOD FOR SEVERING :
BRITTLE FLAT MATERIALS BY :
LASER BEAM WITH PREVIOUSLY
PRODUCED TRACES

This decision is issued in response to applicant's "Petition under 37 CFR 1.182" filed 24 March 2009.

BACKGROUND

On 14 July 2006, applicant filed international application PCT/DE06/001243 which claimed a priority date of 06 August 2005. A copy of the international application, published in German, was communicated to the United States Patent and Trademark Office from the International Bureau on 15 February 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 06 February 2008.

On 04 February 2008, applicant filed a transmittal letter (PTO-1390) for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a purported English translation of the international application; and an executed declaration of inventorship.

On 30 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 04 February 2008 and a 35 U.S.C. 371 completion date of 04 February 2008.

On 24 March 2009, applicant filed the present petition under 37 CFR 1.182 which included an English translation of the international application.

DISCUSSION

Applicant states in the present petition that the purported English translation of the international application submitted on 04 February 2008 was not an "exact" translation of the international application. 35 U.S.C. 371(c)(2) requires applicant to submit an English translation of an international application originally filed in a language other than English. The Manual of Patent Examining Procedure §1893.01(d) states that "a translation that includes modification other than changes that have been properly accepted under PCT Rule 26 or 91 is unacceptable." Thus, the purported translation of the international application filed 04 February 2008 is considered defective.

As stated above, on 24 March 2009, applicant submitted a corrected English translation of the international application as filed. The translation submitted 24 March 2009 will be considered the English translation of PCT/DE06/001243. With the filing of the new translation of International application of PCT/DE06/001243 on 24 March 2009, the above-identified application will be given an international filing date of 14 July 2006 under 35 U.S.C. 363, and a date of 24 March 2009 under 35 U.S.C. 371(c)(1), (c)(2), and(c)(4).

Deposit Account No. 04-1679 will be charged a $130.00 processing fee under 37 CFR 492(i) for supplying an English translation later than 30 months from the earliest claim priority date, as authorized.

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision, including: (1) entering the 24 March 2009 English translation of the international application; (2) issuing a corrected Notification Of Acceptance, which indicates the submission date of the translation of international application as 24 March 2009; and (3) returning the application to Art Unit #1791 for further consideration.

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

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PATZIK, FRANK & SAMOTNY LTD.
150 SOUTH WACKER DRIVE
SUITE 1500
CHICAGO, IL 60606

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of
Paul D. Levering, et al.
Application No. 11/997,853
Filed: February 4, 2008
Attorney Docket No. 265743-1019

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 8, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Patzik, Frank & Samotny, LTD. has been revoked by the assignee of the patent application on January 9, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

27 FEB 2009

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Spencer Fane Britt & Browne LLP
1 North Brentwood Blvd.
Suite 1000
St. Louis MO 63105-3925

In re Application of:
CHESSLER et al.
U.S. App. No.: 11/997,872
PCT No.: PCT/US2006/030644
Receipt Date: 06 August 2006
Priority Date: 04 August 2005
Attorney's Docket No.: 10100-0087
For: METHODS FOR TREATING AND DETECTING BETA-CELL DISEASE

DECISION ON PETITION

This decision is issued in response to applicants' "Request for Refund" filed on 09 September 2008. No petition fee is required.

The request for refund is GRANTED in part.

Applicant requests a refund of the $475 ($410 for additional search fees and $65 for late payment of search fees) paid in response to Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) dated 20 May 2008. USPTO records reveal, however, that on 18 September 2008, a refund of $410 was in fact provided to applicants' Deposit Account.

As a result of this refund, applicants' payment here represents the proper fees for this application, that is, $310 as the basic national fee, $210 as the examination fee; $100 as the search fee; $65 as the oath/declaration surcharge; $100 as the total claims fee; and an $420 as the independent claims fee. Accordingly, no further action will be taken with respect to this refund request.

This application will be forwarded to the appropriate Art Unit.

Anthony R

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

United States Patent and Trademark Office

2 4 NOV 2008

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of
Capelo Martinez et al.
Application No.: 11/997,876
PCT No.: PCT/IB2006/052314
Int. Filing Date: 07 July 2006
Earliest Priority Date: 07 July 2005
Attorney Docket No.: Q106417
For: Selective Acceleration Of Fragmentation Through Joint Application Of Enzymes And Ultrasound

DECISION

ON

PETITION

This is in response to the petition to revive under 37 CFR 1.137(b) filed on 04 February 2008. The petition is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

Inspection of the declaration filed on 16 September 2008 reveals that it was not filled out with the international application number to which it was directed, and that it did not accompany the filing of the Request (because it appears to have been signed after the international filing date). In addition, it has not been signed by inventor Lopez Ferrer. Moreover, the declaration appears to have been compiled by assembling separately signed sheets to arrive at the submitted document (*See* MPEP 201.03). Therefore, the declaration is not accepted.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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JAN 07 2010

In re Application of	:	
Vasily Ivanovich Shveykin	:	DECISION ON PETITION
Application No. 11/997,877	:	TO WITHDRAW
Filed: February 4, 2008	:	FROM RECORD
Attorney Docket No. CQ10401	:	

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

Further, 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 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.

Additionally, 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.

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

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

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SUITE 800
WASHINGTON DC 20037

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JAN 07 2010

In re Application of	:	
Vasily Ivanovich Shveykin	:	DECISION ON PETITION
Application No. 11/997,883	:	TO WITHDRAW
Filed: February 4, 2008	:	FROM RECORD
Attorney Docket No. CQ10402	:	

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

Further, 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 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.

Additionally, 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.

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

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

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 an outstanding Office action mailed January 4, 2010 that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

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JUL 15 2010

OFFICE OF PETITIONS

DICKINSON WRIGHT, PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 20006

In re Application of:
Yifat Migdal-Steinberg, et. al.
Application No. 11/997,893
Filed: April 16, 2008
Attorney Docket No. 2005P13971 (NSN)

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed May 31, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that the power of attorney to Kevin R. Spivak and the attorneys/agents associated with customer number 87133 has been revoked by the assignee of the above application on May 28, 2010. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

All future communications from the Office will be directed to the new address of record until otherwise notified by applicant.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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Novartis
Corporate Intellectual Property
One Health Plaza 104/3
East Hanover, NJ 07936-1080

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OCT 21 2009

OFFICE OF PETITIONS

In re Application	:	
Vivian Georgousis et al.	:	
Application No. 11/997,909	:	DECISION ON PETITION
Filed: February 5, 2008	:	
Attorney Docket No. 34275-US-PCT	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 25, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed October 7, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 8, 2008. A Notice of Abandonment was mailed on July 8, 2009.

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

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

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

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

This application is being referred to Technology Center AU 1614 for appropriate action by the Examiner in the normal course of business on the reply received August 25, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: Novartis Pharmaceuticals Corporation
One Health Plaza, Bldg. 101
East Hanover, NJ 07936

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CANTOR COLBURN, LLP
1800 Diagonal Road
Suite 510
Alexandria, VA 22314

JUL 15 2008

In re Application of	:	DECISION ON REQUEST TO
Sang-Young LEE et al.	:	PARTICIPATE IN PATENT
Application No. 11/997948	:	PROSECUTION HIGHWAY
Filed: February 5, 2008	:	PILOT PROGRAM AND PETITION
Attorney Docket No. 3563-0103PUS1	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 10, 2008, and the preliminary amendment, filed February 5, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;
(2) Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KIPO 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 KIPO 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 KIPO application(s) containing the allowable/patentable claims(s) or

ii. if the allowable/patentable claims(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the KIPO application is a first action allowance then no office action from the KIPO 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 SAD; 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 KIPO 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 KIPO examiner in the KIPO 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 fails because:

(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 Korean Patent Office application(s);
In the amendment filed on February 5, 2008 in the US application, Claims 29-37 do not correspond to any of the claims allowed in the Korean application.

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

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

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

Kathryn Gorgos
TC 1700 TQAS

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CST

August 27, 2008

In re application of	:	DECISION ON REQUEST TO
Sang-Young Lee et al	:	PARTICIPATE IN PATENT
Serial No. 11/997,948	:	PROSECUTION HIGHWAY
Filed: February 5, 2008	:	PILOT PROGRAM AND
For: ORGANIC/INORGANIC COMPOSITE SEPARATOR HAVING MORPHOLOGY GRADIENT, MANUFACTURING METHOD THEREOF AND ELECTROCHEMICAL DEVICE CONTAINING THE SAME	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program filed August 15, 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 KIPO, note where the KIPO 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 KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the KIPO 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 KIPO 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 KIPO 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the KIPO 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 KIPO examiner in the KIPO 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.

Best Available Copy

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/997,961	09/10/2008	Lakshmi Prabha Gurusamy	0001.1515	2310

7590 06/03/2009

STEIN MCEWEN, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
06/03/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/997,961	09/10/2008	Lakshmi Prabha Gurusamy	0001.1515	2310

49455 7590 07/24/2009

STEIN MCEWEN, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER	
ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
07/24/2009	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):

usptomail@smiplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/997,961	9/10/08	Gurusamy	0001.1515

CONFIRMATION NO.
2310

STEIN MCEWEN, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON DC 20005

Response to Request for Reconsideration of Decision Dismissing Petition under 37 CFR 1.138(d)

This is in response to the request for reconsideration of decision dismissing petition under 37 CFR 1.138(d), filed on June 10, 2009.

Applicants filed a petition under 37 CFR 1.138(d) for express abandonment to obtain a refund on May 11, 2009. The provisions of 37 CFR 1.138(d) only apply to applications filed under 35 U.S.C. 111(a) and 37 CFR 1.53(b) on or after December 8, 2004. The instant application is an international application entered the national stage after compliance with 35 U.S.C. 371(c). Therefore, the Office dismissed the petition under 37 CFR 1.138(d) because an international application is not an application filed under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

In the request for reconsideration, applicants contend that the petition under 37 CFR 1.138(d) should be granted because 35 U.S.C. 363 requires that an "international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office..." and MPEP 1893.03 requires that an international application entered the national stage after compliance with 35 U.S.C. 371(c) is the same as an application under 35 U.S.C. 111(a) for purposes of examination.

Applicants' arguments have been considered, but they are unpersuasive. The phrase in 35 U.S.C. 363 "shall have the effect" does not mean that an international application designating the United States is an application filed under 35 U.S.C. 111(a) and 37 CFR 1.53(b). Furthermore, MPEP 1893.03 does not apply to the procedure for deciding a petition under 37 CFR 1.138(d) because the provisions of 37 CFR 1.138(d) are not for purposes of examination. The instant application has not been taken up by the examiner for examination.

For the reasons above, the request for reconsideration filed on June 10, 2009 is dismissed.

Telephone inquiries regarding this correspondence may be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

2 6 AUG 2008

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KOHN & ASSOCIATES, PLLC
30500 NORTHWESTERN HWY, SUITE 410
FARMINGTON HILLS MI 48334

In re Application of	:	
PHIPPS et al.	:	
Application No.: 11/997,979	:	DECISION
PCT No.: PCT/CA2006/001259	:	
Int. Filing Date: 07 August 2006	:	
Priority Date: 05 August 2005	:	
Attorney's Docket No.: 0274.00003	:	
For: PEPTIDES TARGETED TO PROTEIN	:	
KINASE C ISOFORMS AND USES THEREOF	:	

This decision is in response to applicant's petitions under 37 CFR 1.137(b) filed 14 April 2008 and 02 July 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 August 2006, applicants filed international application PCT/CA2006/001259, which designated the U.S. and claimed a priority date of 05 August 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 15 February 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 February 2008.

On 05 February 2008, applicants filed a submission for entry into the national stage in the United States. The submission did not include the U.S. Basic National Fee.

On 27 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to pay the U.S. Basic National Fee within 30 months of the priority date.

On 14 April 2008, applicants filed a petition under 37 CFR 1.137(b). The petition did not include any fees or an authorization to charge any fees.

On 02 July 2008, applicants filed a second petition under 37 CFR 1.137(b). This petition included an authorization to charge fees to Deposit Account 11-1449.

DISCUSSION

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

As to item (1), applicant submitted the U.S. Basic National Fee ($155 for a small entity) on 02 July 2008.

As to item (2), applicant has not provided the petition fee. Although there is an authorization to charge Deposit Account 11-1449, that account had insufficient funds to cover both the U.S. Basic National Fee and the petition fee as of 25 August 2008.

As to item (3), a grantable petition has not yet been provided.

CONCLUSION

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice, for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

28 NOV 2008

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KOHN & ASSOCIATES, PLLC
30500 NORTHWESTERN HWY, SUITE 410
FARMINGTON HILLS MI 48334

In re Application of	:	
PHIPPS et al.	:	
Application No.: 11/997,979	:	DECISION
PCT No.: PCT/CA2006/001259	:	
Int. Filing Date: 07 August 2006	:	
Priority Date: 05 August 2005	:	
Attorney's Docket No.: 0274.00003	:	
For: PEPTIDES TARGETED TO PROTEIN KINASE C ISOFORMS AND USES THEREOF	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.137(b) filed 15 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 August 2006, applicants filed international application PCT/CA2006/001259, which designated the U.S. and claimed a priority date of 05 August 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 15 February 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 February 2008.

On 05 February 2008, applicants filed a submission for entry into the national stage in the United States. The submission did not include the U.S. Basic National Fee.

On 27 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to pay the U.S. Basic National Fee within 30 months of the priority date.

On 14 April 2008, applicants filed a petition under 37 CFR 1.137(b). The petition did not include any fees or an authorization to charge any fees.

On 02 July 2008, applicants filed a second petition under 37 CFR 1.137(b). This petition included an authorization to charge fees to Deposit Account 11-1449.

On 26 August 2008, a decision was mailed dismissing without prejudice applicants' petitions under 37 CFR 1.137(b). Specifically, it was noted that although there was an authorization to charge Deposit Account 11-1449, that account had insufficient funds to cover both the U.S. Basic National Fee and the petition fee as of 25 August 2008.

On 15 September 2008, applicants filed the instant renewed petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the U.S. Basic National Fee ($155 for a small entity) on 02 July 2008.

As to item (2), applicant submitted the petition fee on 15 September 2008.

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

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty

Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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MICHAEL J. COLITZ, JR.
640 DOUGLAS AVENUE
DUNEDIN, FL 34698

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DEC 26 2007

OFFICE OF PETITIONS

In re Application of :
WILSON, et al. :
Application No. 11/998,025 : DECISION ON PETITION
Filed: November 28, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **WJ05/01** : 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 instant petition includes a copy of inventor Terry W. Peterson's drivers 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 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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GEOFFREY E. DOBBIN, PATENT ATTORNEY
4278 SOUTH 6220 WEST
WEST VALLEY CITY, UT 84128-6501

RECEIVED

DEC 22 2008

OFFICE OF PETITIONS

In re Application of
Densen Cao et al
Application No. 11/998,039
Filed: November 28, 2007
Attorney Docket No. 29618-67480

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 31, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment/substitute specification/abstract and 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 21, 2007, is accepted as having been unintentionally delayed.

Petitioner should note that the petition submitted on October 31, 2008, reference Application No. 11/473,384 with a filing date of June 22, 2006 instead of the above application number and filing date.

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

This application is being referred to Technology Center AU 1614 for appropriate action by the Examiner in the normal course of business on the reply received October 31, 2008.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/998,039	11/28/2007	Densen Cao	29618-67480

CONFIRMATION NO. 4765

POA ACCEPTANCE LETTER

33076
GEOFFREY E. DOBBIN, PATENT ATTORNEY
4278 SOUTH 6220 WEST
WEST VALLEY CITY, UT 84128-6501

Date Mailed: 12/18/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/08/2008.

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.

/kocreasy/

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

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Fish & Richardson PC
P.O. Box 1022
Minneapolis, MN 55440-1022

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APR 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Bobby Lewis Neal, et al.	:	
Application No. 11/998,055	:	DECISION ON PETITION
Filed: November 28, 2007	:	TO WITHDRAW
Attorney Docket No. 20603-003001	:	FROM RECORD
	:	

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

The request is **APPROVED**.

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

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

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

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Bobby Lewis Neal**
1588 Falconwood Circle
Rock Hill, SC 29732

cc: **Organic Dyestuffs Corporation**
65 Valley Street
East Providence, RI 02914-0258

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/998,055	11/28/2007	Bobby Lewis Neal	20603-003001

CONFIRMATION NO. 4716

POWER OF ATTORNEY NOTICE

26161
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 04/13/2009

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.

/tswilliams/

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

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GREER, BURNS & CRAIN
300 S WACKER DR.
25TH FLOOR
CHICAGO IL 60606

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JAN 27 2010

In re Application of	:	
Takayuki Kawabe	:	
Application No. 11/998,066	:	DECISION ON PETITION
Filed: November 28, 2007	:	
Attorney Docket No. 1990.79454	:	

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

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed July 10, 2009, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Johann Schluesselbauer	: DECISION ON REQUEST FOR
Patent Number	: 7648351	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/998,069	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/28/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **61** 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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NIELDS & LEMACK
176 E. MAIN STREET
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OFFICE OF PETITIONS

In re Application of
Hiroyuki Kamiya et al.
Application No. 11/998,104
Filed: November 28, 2007
Attorney Docket No. 726P002

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(b)

This is a decision on the petition filed under 37 CFR 1.47(b) on March 21, 2008.

The petition is **DISMISSED**.

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

The above-identified application was filed November 28, 2007, without an executed oath or declaration. Accordingly, on December 20, 2008, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration.

In response, the present petition and one month extension of time were filed, accompanied by the late filing surcharge the petition fee, the last known addresses for Hiroyuki Kamiya and Hsin An-Cheng, a declaration executed by C.P. Ting, Director, of the assignee in the absence of a signature by the joint inventors, a copy of the assignment previously executed by the joint inventors 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. Finally, petitioner has submitted a signed statement under 37 CFR 3.73(b).

Petitioners seek status under 37 CFR 1.47(b) claiming that after diligent effort, the inventors, Hiroyuki Kamiya and Hsin An-Cheng, cannot be found or reached.

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

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

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

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks item (1).

Even though petitioners are arguing that the non-signing inventors cannot be found or reached, petitioners have shown that the application papers were mailed to the non-signing inventors at their last known addresses. Petitioners have only shown however that the package containing the application was actually delivered to non-signing inventor Hsin An-Cheng. We will accept that in view of the fact that the application papers were mailed and delivered to Hsin An-Cheng and that since Hsin An-Cheng has not returned an executed copy of the oath or declaration that Hsin An-Cheng, by her actions refuses to cooperate with the filing of the instant applicaiton.

From the evidence provided, however, petitioner has not established that the package containing the application papers was delivered to non signing inventor Hiroyuki Kamiya. Neither has the petitioner shown that diligent efforts have been made to locate the non-signing inventor.[1]

Since petitioners are arguing that the non-signing inventor cannot be found or reached, petitioner 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 Hiroyuki Kamiya 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 Hiroyuki Kamiya by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that Hiroyuki Kamiya cannot be found despite diligent efforts.

If Hiroyuki Kamiya refuses in writing to sign the declaration, petitioners should provide a

[1] MPEP 409.03(d).

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.

Status under 37 CFR 1.47(a) cannot be accorded this application until such time as the deficiencies have been cured.

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
Office of Petitions

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 18 2008

In re Application of
Hiroyuki Kamiya et al.
Application No. 11/998,104
Filed: November 28, 2007
Attorney Docket No. 726P002

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

This is a decision on the request for reconsideration filed under 37 CFR 1.47(b)[1] on June 26, 2008. The petition is being treated under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed November 28, 2007, without an executed oath or declaration. Accordingly, on December 20, 2008, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. In response, a petition and one month extension of time was filed, accompanied by the late filing surcharge, the petition fee, the last known addresses for Hiroyuki Kamiya and Hsin An-Cheng, a declaration executed by C.P. Ting, Director, of the assignee in the absence of a signature by the joint inventors, a copy of the assignment previously executed by the joint inventors 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. Finally, petitioner submitted a signed statement under 37 CFR 3.73(b).

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[1] 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.

Petitioners sought status under 37 CFR 1.47(b) claiming that after diligent effort, the inventors, Hiroyuki Kamiya and Hsin An-Cheng, could not be found or reached.

The petition was dismissed because while the petition established that by her actions Hsin An-Cheng refused to cooperate with the filing of the instant application, petitioner had not established that the package containing the application papers was delivered to non signing inventor Hiroyuki Kamiya. Neither had the petitioner shown that diligent efforts had been made to locate that non-signing inventor.[2]

Comes now petitioner with the instant request for reconsideration and a declaration signed by joint inventor Hiroyuki Kamiya in compliance with 37 CFR 1.63. In view of the joinder of the previously non-signing joint inventor, further consideration under 37 CFR 1.47 as it relates to joint inventor Hiroyuki Kamiya is unnecessary.

If none of the named inventor(s) will sign the oath or declaration, a petition under 37 CFR 1.47(b) must be filed. If some of the named inventors signed the oath or declaration and one or more of the named inventors have not signed the declaration, a petition under 37 CFR 1.47(a) must be filed. In the instant case, two inventors have been named but the oath or declaration is missing the signature of only one of the named inventors in view of the joinder of joint inventor Hiroyuki Kamiya , this petition will be treated 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.

The petition bears proof that the application papers were mailed and delivered to Hsin An-Cheng and that since Hsin An-Cheng has not returned an executed copy of the oath or declaration, we will construe her actions to be that of a refusal.,

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.

---

[2]MPEP 409.03(d).

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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LATHROP & GAGE LC
1845 S. NATIONAL
P.O. BOX 4288
SPRINGFIELD, MO 65101

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AUG 2 5 2008

In re Application of :
Brady and Pendergrass :
Application No. 11/998,111 : Decision According Status
Filed: November 28, 2007 : Under 37 CFR 1.47(a)
Attorney Docket No. 474666 :
For: Tumble Breading System, :
And Related Method :

This is a decision on the petition under 37 CFR 1.47(a) filed June 8, 2008.

The petition is **granted**.

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

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

The Office of Patent Application Processing will be informed of the instant decision so that it may continue to prepare the application for examination.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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JUN 09 2009

OFFICE OF PETITIONS

THOMAS A O'ROURKE
BODNER & O'ROURKE
425 BROADHOLLOW ROAD
MELVILLLE NY 11747

In re Application of :
Borbely, et al. :
Application No. 11/998,154 : ON PETITION
Filed: November 28, 2007 :

This is a decision on the petition under 37 CFR 1.10, filed May 5, 2008, and re-supplied on October 2, 2008, which is being treated as a petition under 37 CFR 1.10(d) to accord the above application a filing date of November 27, 2007.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10." This is **not** a final agency decision within the meaning of 5 USC 704.

Petitioner argues that the above-identified application was filed on November 27, 2007, not November 28, 2007. In support thereof, petitioner has explained that the application was filed via Express Mail (Express Mail no. EV 605 499 385 US) via a USPS drop

box. Here, petitioner has included a statement from the person who deposited the application, as well as an Express Mail mailing label, containing a "date-in" entry of November 28, 2007.

37 CFR 1.10(d) states that any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Emphasis added.

Petitioner is directed to MPEP 513(II), which states:

> Parties who do use drop boxes can protect themselves from uncertainty due to illegible mailing labels by routinely maintaining a log of "Express Mail" deposits in which notations are entered by the person who deposited the correspondence as "Express Mail" within one business day after deposit with the USPS. Such evidence could be useful to later support a petition filed under 37 CFR 1.10(c), (d) or (e). Evidence that came into being after deposit and within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such

file identification number; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log.

On request for reconsideration, petitioner is requested to supply the Office with a copy of a log book as set forth above.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, PO BOX 224
MONROE CT 06468

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JAN 27 2010

In re application of :
Kari Kuparinen :
Application No. 11/998,172 : NOTICE
Filed: November 27, 2007 :
Attorney Docket No. 540-025.005 :

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 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) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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4/16/2010

Patent No. :7642099
Ser. No. :11/998177
Inventor(s) :Shinichi Fukada et al.
Issued :1/5/10
Title :MANUFACTURING METHOD FOR FERROELECTRIC MEMORY DEVICE
Docket No. :

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.17(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

G. Gregory Schivley
HARNESS DICKEY & PIERCE PLC
P.O. BOX 828
Bloomfeild Hills, MI 48303

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.g

ARNOLD GILERSON
APT 3G
3871 SEDGWICK AVE
BRONX, NY 10463

MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Arnold Gilerson	:	
Application No. 11/998,181	:	DECISION ON PETITION
Filed: November 26, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 11, 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 Inventor Arnold Gilerson stating 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 Irvin Dingle at 571-272-3210. 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 1655 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Morrison & Foester, LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

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JUL 06 2009

OFFICE OF PETITIONS

In re Application of :
Sudhanshu Misra et al. :
Application No. 11/998,196 : DECISION ON PETITION
Filed: November 28, 2007 : TO WITHDRAW
Attorney Docket No. 577182000101 : 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 27, 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 Charles D. Holland and all attorneys/agents associated with customer number 25226 has been revoked by the assignee of the patent application on May 19, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: NexPlanar Corporation
7425 NW Evergreen Parkway
Suite 150
Hillsboro, OR 97124

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13 NOV 2008

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The Law Offices of Kenneth W. Float
2095 Hwy. 211 NW, #2F
Braselton GA 30517

In re Application of
JOEN, Woojay et al.
U.S. Application No.: 11/998,262
Filing Date: November 29, 2007
Attorney's Docket No.: 3359
For: AUTOMATIC PATTERN RECOGNITION USING CATEGORY DEPENDENT FEATURE SELECTION

DECISION ON PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 CFR 1.137(b)

This decision is issued in response to applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed November 29, 2007 with respect to international application PCT/US06/02983.

BACKGROUND

International application PCT/US06/02983 became abandoned as to the United States under 35 U.S.C. 371(d) at midnight on July 29, 2007 for failure to pay the basic national fee.

On November 29, 2007, applicant filed, *inter alia*: a transmittal letter for a patent application under 37 CFR 1.53; a specification including claims, abstract, and drawings; and a petition and fee to revive international application PCT/US06/02983 under 37 CFR 1.137(b). The petition seeks to revive PCT/US06/02983 for the purpose of establishing continuity between the international application and the present application.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Items (2), (3) and (4) have been satisfied.

Regarding item (1), the "required reply," section 711.03(c) of the Manual of Patent

Examining Procedures states that:

> [g]enerally, the required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.

The filing of a continuation application under 35 U.S.C. 111(a) is acceptable as the required reply under 37 CFR 1.137(b). See MPEP § 711.03(c)(II)(A). However, the instant application is not a continuation of PCT/US06/02983. The first sentence of the specification has not been amended to indicate that this application is "a continuation of PCT/US06/02983 filed January 27, 2006." Until continuity is properly claimed under 37 CFR 1.78, applicant has not filed the "required reply" necessary to satisfy item (1) of a grantable petition to revive the international application.

CONCLUSION

The petition for revival is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition For Revival Under 37 CFR 1.137(b)" and include the remaining materials required for a grantable petition, that is, the materials required under 37 CFR 1.78 to effectively make the present application a continuation of PCT/US06/02983.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS NJ 07652

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JUN 04 2008

OFFICE OF PETITIONS

In re Application of	:	
Shin et al.	:	DECISION NOTING JOINDER OF
Application No. 11/998,286	:	INVENTOR AND PETITION UNDER
Filed: 11/29/2007	:	37 CFR 1.47(a) AS MOOT
Attorney Docket No. 5000-1-1090	:	
Title: METHOD FOR COMMUNICATION	:	
LINK CONNECTION USING VISIBLE	:	
LIGHT COMMUNICATION	:	

This is in response to the petition under 37 CFR 1.47(a), filed November 29, 2007, and supplemented on May 30, 2008.

On May 30, 2008, after filing the petition, applicants submitted a declaration executed by the previously non-signing legal representative of the deceased inventor. In view of the joinder of the legal representative further consideration under 37 CFR 1.47(a) is not necessary. Accordingly, the petition is dismissed as involving a moot issue.

This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application does not need to be returned to the Office of Petitions for further consideration under 37 CFR 1.47(a).

As the petition was not before a deciding official prior to the submission of the declaration executed by the previously non-signing legal representative, the $200.00 petition fee is unnecessary and will be refunded to the Deposit Account.

This application is being referred to Technology Center AU 2613 for examination in due course.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

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AUG 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Pradip K. Roy et al.	:	
Application No. 11/998,319	:	DECISION ON PETITION
Filed: November 28, 2007	:	TO WITHDRAW
Attorney Docket No. 577182000810	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed May 27, 2009.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 25226 has been revoked by the assignee of the patent application on May 21, 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 JoAnné Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: NexPlanar Corporation
7425 NW Evergreen Parkway
Suite 150
Hillsboro OR 97124

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.
11/998,320	11/29/2007	Anthony J. Maves	65106A US	5944

25212 7590 08/07/2009

DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS, IN 46268

EXAMINER	
IBRAHIM, MEDINA AHMED	

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
08/07/2009	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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DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

AUG 0 7 2009

In re Application of:
Anthony J. Maves
Serial No.: 11/998,320
Filed: November 29, 2007
Attorney Docket No.: **65106A US**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed July 29, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 29, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37.CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 0 5 2009

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DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

In re Application of:
Anthony J. Maves
Serial No.: 11/998,320
Filed: November 29, 2007
Attorney Docket No.: **65106A US**

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed October 26, 2009, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Declaration under CFR 1.132 submitted to the Patent Office on July 29, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entries for those documents have been closed and as such the documents are no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS, IN 46268

Mail Date: 04/21/2010

Applicant	: Anthony J. Maves	: DECISION ON REQUEST FOR
Patent Number	: 7635808	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/998,320	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **7** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/998,328	11/29/2007	Yoo-Jin Song	SDIYOU.084AUS	5550

7590 11/02/2009

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

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
11/02/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/30/2009 NFARMER 00122.4389
FC: 9204 $1140.00 CR

Adjustment date: 10/30/2009 NFARMER
12/03/2007 WASFAW1 00000002 11998328
02 FC:1111 -510.00 DP
04 FC:1201 -630.00 DP

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TY UNG
16830 VENTURA BLVD.
SUITE 360
ENCINO CA 91436

COPY MAILED

JUL 16 2008

In re Application of :

ZHOU, Chang-Ming :
Application No. 11/998,347 : DECISION ON PETITION
Filed: November 28, 2007 : TO WITHDRAW
Attorney Docket No. **22703-003** : 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 June 18, 2008.

The request is **NOT APPROVED**.

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, (**no longer with firm**), does not meet any the conditions set forth in 37 CFR 10.40. Also, the box indicating the customer number to be withdrawn must be checked.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **PATEL & ALUMIT PC**
16830 VENTURA BLVD.
SUITE 360
ENCINO, CA 91436

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ERIC A. KNIGHT
P.O. BOX 600
UNIONVILLE CT 06085

COPY MAILED
DEC 05 2008

In re Application of
Eric A. Knight et al.
Application No. 11/998,350
Filed: November 29, 2007
Title of Invention: **VERSATILE WIRE ANTENNA AND METHOD**

ON PETITION

This is a decision on the petition filed October 14, 2008, to withdraw the holding of abandonment under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181(b) is **DISMISSED.**

This application became abandoned February 29, 2008 for failure to timely reply to the Notice to File Corrected Application Papers mailed December 28, 2007 and which set a two month period for reply. Accordingly, a Notice of Abandonment was mailed September 8, 2008.

The file record discloses that the Notice was mailed to what was believed to be the address of record, the same address to which the Notice of Abandonment was mailed. However, petitioner contends that it was not received.

Unfortunately, the requirement under 37 CFR 1.181, is that petitioner review the docket records and submit copies of the actual docket records or file jacket to show non-receipt. That requirement has not been met. In a petition under 37 CFR 1.181 the petitioner must show, as in this instance where non-receipt is claimed that petitioner is without fault in not receiving the communication and therefore could not respond timely, irrespective of whether the Notice regarding the drawings was proper or not. In the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received at the address of record.

The statements are not enough to substantiate the claim of non-receipt and no other

corroborating evidence to prove non-receipt has been presented. In view thereof, the holding of abandonment cannot be withdrawn.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a petition under 37 CFR 1.137(a)[1] or 37 CFR 1.137(b),[2] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

---

[1]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

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

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

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

[2]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball
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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ERIC A. KNIGHT
P.O. BOX 600
UNIONVILLE CT 06085

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FEB 10 2009

OFFICE OF PETITIONS

In re Application of
Eric A. Knight et al.
Application No. 11/998,350
Filed: November 29, 2007
Title of Invention: **VERSATILE WIRE ANTENNA AND METHOD**

ON PETITION

This is a decision on the request for reconsideration filed January 23, 2009, to withdraw the holding of abandonment under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181(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 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned February 29, 2008 for failure to timely reply to the Notice to File Corrected Application Papers mailed December 28, 2007 and which set a two month period for reply. Accordingly, a Notice of Abandonment was mailed September 8, 2008. A petition filed October 14, 2008 was dismissed in a decision mailed December 5, 2008 because while the file record disclosed that the Notice was mailed to what was believed to be the address of record, and while petitioner contended that it was not received, the petition only included a statement of non-receipt and no other corroborating evidence to prove non-receipt was presented.

Comes now petitioner with a letter signed by a US Postal Service Clerk to show that the US Postal Service is experiencing "routing" issues which may cause mail to not be properly received. Petitioner offers this evidence as proof that he didn't receive the Notice to File Corrected Application Papers mailed December 28, 2007.

As evidence of non-receipt was not provided with the petition filed October 14, 2008, in accordance with the requirements of 37 CFR 1.181 for proving non-receipt, the decision

mailed December 5, 2008, pursuant to Delgar Inc. v. Schuyler, 172 USPQ 513, required copies of the "DOCKET RECORDS".

Petitioner is referred to M.P.E.P. 711.03(c) for an understanding of the showing required for establishing non-receipt of an office communication and what is meant by "Docket".[1]

The letter from the local Unionville Post Office at best explains a possible scenario but as the "routing" issue is not occurring at the local office, even without the docket

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[1]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).

records, the letter can not be offered to prove non-receipt. Further, the letter from the local Unionville Post Office is not an official US Postal Service Notice of Postal Service Delay or Interruption and therefore cannot be accepted as such.

If the problems that have occurred are automation routing occurring at a central Connecticut mail-routing station as indicated, an official statement from the US Postal Service needs to be provided. Although even without additional evidence is not prima facie evidence of non-receipt.

In view thereof, the holding of abandonment cannot be withdrawn.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(a)[2] or 37 CFR 1.137(b),[3] 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).

---

[2]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

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

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

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

[3]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

ERIC A. KNIGHT
P.O. BOX 600
UNIONVILLE CT 06085

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MAY 07 2009

OFFICE OF PETITIONS

In re Application of :
Eric A. Knight et al. :
Application No. 11/998,350 : ON PETITION
Filed: November 29, 2007 :
Title of Invention: **VERSATILE WIRE ANTENNA AND METHOD** :

This is a decision on the second request for reconsideration filed April 14, 2009, to withdraw the holding of abandonment under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181(b) is **GRANTED.**

This application became abandoned February 29, 2008 for failure to timely reply to the Notice to File Corrected Application Papers mailed December 28, 2007 and which set a two month period for reply. Accordingly, a Notice of Abandonment was mailed September 8, 2008. A petition filed October 14, 2008 was dismissed in a decision mailed December 5, 2008 because while the file record disclosed that the Notice was mailed to what was believed to be the address of record, and while petitioner contended that it was not received, the petition only included a statement of non-receipt and no other corroborating evidence to prove non-receipt was presented. A request for reconsideration was filed January 23, 2009 but was dismissed in a decision mailed February 10, 2009 because pursuant to Delgar Inc. v. Schuyler, 172 USPQ 513, evidence of non-receipt was not established.

Comes now petitioner with the instant request for reconsideration and copies of a docket record, wherein receipt of the Notice to File Corrected Application Papers mailed December 28, 2007 would have been filed, had it been received. To show that the Notice to File Corrected Application Papers mailed December 28, 2007 was not received, petitioner also explains that after searching the docket and file jacket it was concluded that no correspondence was received for this matter from the USPTO,

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 Corrected Application Papers mailed December 28, 2007, it is apparent that it was not received. The evidence

submitted corroborates non-receipt of the Notice to File Corrected Application Papers mailed.

In view of the facts set forth in the petition, it is concluded that the Notice to File Corrected Application Papers was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

The instant 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.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/998,360	11/30/2007	Steven J. DeAngeles	3850.002	5208

82331 7590 02/22/2010

Docket Clerk
1000 JORIE BOULEVARD SUITE 144
OAK BROOK, IL 60523

EXAMINER	
GONZALEZ, JULIO C	

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
02/22/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Docket Clerk
1000 JORIE BOULEVARD SUITE 144
OAK BROOK IL 60523

In re Application of	:	
Steven J. DEANGELES	:	DECISION ON PETITION
Application No. 11/998,360	:	TO MAKE SPECIAL UNDER
Filed: 30 November 2007	:	THE GREEN TECHNOLOGY
Attorney Docket No. 54824	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 04 January 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES 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.

Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York NY 10018

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AUG 29 2008

OFFICE OF PETITIONS

In re Application of :
Shaw et al. : DECISION ON PETITION
Application No. 11/998,362 :
Filed: November 28, 2007 :
Atty Docket No. 550.1006US :

This is a decision on the RESPONSE TO NOTICE OF OMITTED ITEM(S) AND PETITION TO ESTABLISH PRIOR RECEIPT BY THE USPTO OF ITEM CONSIDERED AS OMITTED filed March 17, 2008.

The petition is **DISMISSED**.

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. See 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136(a) or (b).

Application papers in the above-identified application were deposited on November 28, 2007. However, on December 31, 2007, the Office mailed applicants a NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION. Applicants were thereby notified that the application had been accorded a filing date; however, pages 1-3 of the specification appeared to have been omitted from the application.

In response, applicants filed the instant petition. Applicants contend that Pages 1-3 of the specification (3 pages), a copy of which were enclosed, were indeed filed with the application in the United States Patent and Trademark Office on November 28, 2007, as certified by the Certificate of Express Mailing Under 37 C.F.R. § 1.10 (2 pages), a copy of which is enclosed, that was filed along with the application on that date. Applicants maintain that they filed a 158-page application, and Applicants' files in fact contain a full copy of the 158-page application,

including Pages 1-3 that are now alleged by the USPTO to have been missing upon filing.

The image file wrapper of the application is the Official record of the papers filed in this application. A review of the image file wrapper supports a conclusion that pages 1-3 of the specification were not filed in this application as they are not present in the image file wrapper. What is contained in applicants' files is not persuasive of what was received in the Office. It reflects what applicants intended to file. As there is a well-established procedure for both applicants to and for the Office to evaluate a return postcard filed with an application, a properly itemized and date-stamped return postcard is the best evidence of what was filed in the Office in this application on November 28, 2007.

As stated in MPEP 503, a postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. As applicants are advised in MPEP 503, if a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application). Significantly, the postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard.

With respect to Office procedure, MPEP 503 further states that the person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being

submitted to the USPTO, those items will be crossed off and the postcard initialed by the person receiving the items. However, if the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO).

Petitioner's evidence has been considered, but not found persuasive that pages 1-3 of the specification were present in the application on filing. In this instance, petitioner's return postcard receipt identifies the items being filed, to include "Utility Patent Application w/5 pages of Drawings (158 pages)." This identification does not specifically itemize each component being filed (Specification, claim, abstract and drawings).

More importantly, besides not being sufficiently detailed, this itemization is not persuasive that the 3 pages were present on filing as it does not accurately describe the contents of the application if applicants had filed the 3 pages as alleged. The application papers as received in the Office included pages numbered 4-150 and 5 sheets of drawings. This general itemization to at least be accurate should have stated "Utility Patent Application w/5 pages of Drawings (155 pages)." This conclusion is made in light of a comparison of every item listed on the postcard, verifying that the other 3 of 158 pages could not otherwise be accounted for.

Moreover, given the failure to specifically itemize each component, the lack of annotation by Office personnel is not persuasive that pages 1-3 were present on filing of the application. Where there is no itemization, Office personnel do not necessarily make any annotation as they cannot identify the missing component. As stated above and in the MPEP, if the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO).

In view thereof, the petition must be dismissed.

Receipt of the petition fee is acknowledged. The fee will not be refunded.

Petitioner is reminded that pursuant to 37 CFR 1.57(a),

> If a continuation or divisional application as originally filed on or after September 21, 2004 does not include an explicit incorporation by reference statement and is entitled to a filing date despite the inadvertent omission of a portion of the prior application(s), applicant may be permitted to add the omitted material by way of an amendment under 37 CFR 1.57(a). Such an amendment must be made within any time period set by the Office. See 37 CFR 1.57(a)(1).

It is noted that 37 CFR 1.57(a) only provides for the incorporation by reference of inadvertently omitted material that was completely contained in the prior application. In this instance, the application as filed included in an application data sheet a claim under 1.78 for benefit of prior-filed provisional application No. 60/861,616. Thus, any amendment relying on 37 CFR 1.57(a) for entry should not be entered if it attempts to amend the application to include material not completely contained in the prior application. As this application has a filing date, such an amendment is to be directed to the examiner. **(It is noted that the amendment filed April 9, 2008 includes text in the specification that is not present in the prior provisional application. Thus, this amendment would not be proper for entry pursuant to 37 CFR 1.57(a)).**

The application with a filing date of November 28, 2007 and without pages 1-3 as part of the original application disclosure is being returned to the Office of Patent Application Processing for completion of pre-examination processing.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COPY MAILED

DEC 26 2007

OFFICE OF PETITIONS

ELMO ROJAS
47 SICOMAC AVENUE
MIDLAND PARK, NJ 07432

In re Application of :
:
ROJAS, Elmo :
Application No. 11/998,364 : DECISION ON PETITION
Filed: November 29, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV and under 37 CFR 1.102(d) to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III, filed November 29, 2007.

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 Elmo H. Rojas, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

In view of the above petition being granted and the application being made special, the petition under 37 CFR 1.102(c)(1), Section III, is **DISMISSED AS MOOT.**

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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ELMO H. ROJAS
47 SICOMAC AVE.
MIDLAND PARK NJ 07432

MAILED

AUG 27 2009

OFFICE OF PETITIONS

In re Application of :
Elmo Rojas :
Application No. 11/998,364 : DECISION ON PETITION
Filed: November 29, 2007 :
Title: Telescoping Lifting Hand Truck Elongate Folding Platform With An Electrically Operate :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to properly and timely reply to the final Office action mailed November 3, 2008. A three-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, this application became abandoned on May 4, 2009. A Notice of Abandonment was mailed July 8, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405.00 and the submission required by 37 CFR 1.114 (previously filed May 1, 2009); (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay.

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

The file is now being forwarded to Technology Center 3634 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed on May 1, 2009.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Jack W. Wilson

Application No. 11998368

Filed: November 29,2007

Attorney Docket No. FTT-104CIP

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

The petition is **GRANTED**.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/998,393	11/28/2007	Kyong-Tae Park	AB-2557 US	5563

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
2629	

MAIL DATE	DELIVERY MODE
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.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/15/2009 NFARMER
12/03/2007 WASFAW1 00000041 502257 11998393
02 FC:1111 510.00 CR
04 FC:1201 210.00 CR

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

9/23/09

In re Application of:
SAMUELSSON, ANN et al
Serial No.: 11/998,422
Filed: Nov. 30, 2007
Docket: 1018798-00044
Title: ABSORBENT ARTICLE HAVING DISPOSAL FASTENING MEANS

DECISION ON PETITION TO WITHDRAW FINALITY OF THE FINAL OFFICE ACTION

This is a decision on the petition filed on August 31, 2009 to withdraw the finality of the Office action of April 27, 2009.

The petition is **DISMISSED as untimely**.

The examiner issued a non-final Office action on November 18, 2008 rejecting all claims in the application. In response to the office action, on January 16, 2009 the applicant filed an amendment and arguments traversing the rejection. On April 27, 2009, the examiner issued a final Office action. On July 10, 2009, the applicant filed a response to the final rejection of April 27, 2009 with arguments and traversal of the rejection. On July 21, 2009, the examiner issued an advisory action informing the applicant, inter alia, that the response to the final rejection will not be entered because the amendment after final added two new claims. On August 31, 2009, the applicant filed the current petition to withdraw the finality of the final Office action of April 27, 2009.

The petitioner's request to withdraw the finality of the Office action mailed on April 27, 2009 was based on the fact that the examiner has introduced new grounds of rejection. Petitioner argues that the new ground of rejections was not necessitated by the amendment filed on January 16, 2009.

Applicable Rules or Statutes

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.

Review of the record shows that the instant petition was filed more than four months after the mailing date of the final Office action of April 27, 2009. Pursuant to 37 CFR 1.181(f), 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 relief requested will not be granted. Petitioner is entitled to request reconsideration of this decision provided that the request for reconsideration is filed within two months of the date of this decision.

The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3761 for further processing. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED

for

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

MAILED

FEB 02 2010

OFFICE OF PETITIONS

In re Application of :
Yasuyuki EGUCHI, et al :
Application No. 11/998,428 : DECISION ON PETITION
Filed: November 30, 2007 :
Attorney Docket No. 108397-00259 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 24, 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 25, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620; and (3) a statement of unintentional delay.

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

This application is being referred to Technology Center AU 2827 for appropriate action by the Examiner in the normal course of business on the reply received November 30, 2009.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7-20-07 **Paper No.:** _____

TO SPE OF : ART UNIT 3765

SUBJECT : Request for Certificate of Correction for Appl. No. 7216786

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

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**.

Please Response A/S/A/P

Claims

Erin James

Certificates of Correction Branch

703-308-9390 ext. 116

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: Please use Certificate of Correction dated July 3, 2007

_____

_____

_____

_____ 3765

SPE **Art Unit**

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DELPHINE M. JAMES
2656 SOUTH LOOP WEST #170
HOUSTON TX 77054

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NOV 2 0 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of
Duane Lee Whitney Reed et al.
Application No. 11/ 998,506
Filed: November 3, 2007
Title of Invention: **BUTTON HEAD LUBRICATION FITTING PRESSURE RELEASE TOOL**

This is a decision on the PETITION TO ACCEPT FEES UNDER 35 USC 21(a) filed October 27, 2008, which is treated as a petition under 37 CFR 1.137(a), to revive the above-identified application.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. 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** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to file a response to the Notice to File Missing Parts mailed January 3, 2008 which set a two month extendable period for reply. A response was filed March 3, 2008 but was incomplete and thus a Notice of Incomplete Reply was mailed March 28, 2008. The Notice advised that the period for reply remained as set forth in the Notice mailed January 3, 2008. A second reply was filed May 5, 2008 which was also incomplete and a Notice of Incomplete Reply was mailed June 5, 2008. That Notice again advised that the period for reply remained as set forth in the Notice mailed January 3, 2008. Another response was filed June 30, 2008. At no time were extensions of time requested in accordance with 37 CFR 1.136(a) with the responses filed May 5, 2008 and June 30, 2008. As a result thereof, a Notice of Incomplete Reply was mailed August 25, 2008 noting that the response filed June 30, 2008 was received in the U.S. Patent and Trademark Office after the expiration of the period for reply set forth in the Notice and advised that a request for an extension of time with the appropriate fees would be required to avoid abandonment.

A three month extension of time and fee in the amount of $555 was filed October 8, 2008 with a request to suspend the requirement for any further extensions related to this matter.

No timely response and no timely extension of time request having been filed, the application became abandoned and accordingly, a Notice of Abandonment was mailed October 9, 2008.

Petitioner asserts unavoidable delay in filing a timely response to the January 3, 2008 Notice to File Missing Parts Final Office Action in view of the patent office declaring Houston, Texas to be a disaster area. Petitioner argues that her office building at 2656 South Loop was under postal interruption because the building was severely damaged during Hurricane Ike and requests that the director accept the drawings. Petitioner further argues that her office building was damaged by Hurricane Ike and is currently closed and that she was unable to get access for a period of 5 days after the storm. As a result of the storm and the relocation, her office was down from 9/10/2008 through 10/4/2008. Some of her files were destroyed and difficult to find. Thus, resulting in an unavoidable delay in filing a response to the office communication.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

> (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
>
> (2) the petition fee as set forth in § 1.17(l);
>
> (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
>
> (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks items (2) and (3), above.

SHOWING OF UNAVOIDABLE DELAY

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and

> observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[2]

Petitioner is advised that the application actually became abandoned for failure to file a complete response to the January 3, 2008 Notice to File Missing Parts within a two month period of time or at the latest by August 3, 2008 with a five month extension of time. The Notice of Incomplete Reply mailed on both March 28, 2008 and June 5, 2008 did not reference drawings but instead referenced the failure to pay required fees.

The expiration of the time period is determined by the amount of the fee paid. Petitioner is advised that extensions may not be granted under 37 CFR 1.136(a) for more than FIVE MONTHS beyond the time period set in the Notice. Therefore, in spite of the bona fide attempts to comply with the office requirements as petitioner notes in the petition, and by that it is taken to mean the responses filed March 3, 2008, May 5, 2008 and June 30, 2008, the application became abandoned by operation of law prior to the interruption of United States Postal Service beginning September 7, 2008 in the areas affected by Hurricane Ike because petitioner failed to request an extension of time prior to the expiration of the maximum period obtainable to avoid abandonment which would have been August 3, 2008.

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[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[2] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

The argument and the showing presented is therefore insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). As petitioner has presented no showing of unavoidable delay, the petition will be dismissed.

A review of the record reveals that a five month extension of time was filed October 8, 2008, however, 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 $555.00 extension of time fee submitted with the petition on October 8, 2008, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be refunded in due course.

With respect to item (2), the petition however, lacks the required petition fee in accordance with 37 CFR 1.137(a)(2) and 37 CFR 1.17(l), which is set at $270.00 for a small entity and $540.00 for a large entity and thus, a petition fee is due before a petition on the merits can receive any further consideration. The application will therefore remain in an abandoned status until such time as the deficiencies noted above have been addressed.

If petitioner does not think that they can prevail under the unintentional standard of review, petitioner may wish to consider filing a petition under 37 CFR 1.137(b),[3] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A

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[3]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

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). As of the date of this decision, the petition fee pursuant to 37 CFR 1.137(b) and 37 CFR 1.17(m) is set at $810.00 for a small entity and $1,620.00 for a large entity.

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

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

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DELPHINE M. JAMES
2656 SOUTH LOOP WEST #170
HOUSTON TX 77054

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FEB 23 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of
Duane Lee Whitney Reed et al.
Application No. 11/ 998,506
Filed: November 3, 2007
Title of Invention: **BUTTON HEAD LUBRICATION FITTING PRESSURE RELEASE TOOL**

This is a decision on the petition filed January 26, 2009, under 37 CFR 1.137(b)[1] to revive the above-identified application.

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

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

This application became abandoned for failure to file a response to the Notice to File Missing Parts mailed January 3, 2008 which set a two month extendable period for reply. A response was filed March 3, 2008 but was incomplete and thus a Notice of Incomplete Reply was mailed March 28, 2008. The Notice advised that the period for reply remained as set forth in the Notice mailed January 3, 2008. A second reply was filed May 5, 2008 which was also incomplete and a Notice of Incomplete Reply was

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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

mailed June 5, 2008. That Notice again advised that the period for reply remained as set forth in the Notice mailed January 3, 2008. Another response was filed June 30, 2008. At no time were extensions of time requested in accordance with 37 CFR 1.136(a) with the responses filed May 5, 2008 and June 30, 2008. As a result thereof, a Notice of Incomplete Reply was mailed August 25, 2008 noting that the response filed June 30, 2008 was received in the U.S. Patent and Trademark Office after the expiration of the period for reply set forth in the Notice and advised that a request for an extension of time with the appropriate fees would be required to avoid abandonment. A three month extension of time and fee in the amount of $555 was filed October 8, 2008 with a request to suspend the requirement for any further extensions related to this matter. No timely response and no timely extension of time request was filed prior to the abandonment of the application and thus, a Notice of Abandonment was mailed October 9, 2008.

In a petition filed October 27, 2008 under 37 CFR 1.137(a), petitioner asserted unavoidable delay in filing a timely response to the January 3, 2008 Notice to File Missing Parts Final Office Action in view of the patent office declaring Houston, Texas to be a disaster area. Petitioner argued that her office building at 2656 South Loop was under postal interruption because the building was severely damaged during Hurricane Ike and requests that the director accept the drawings. Petitioner further argued that her office building was damaged by Hurricane Ike, was closed and that she was unable to get access for a period of 5 days after the storm. As a result of the storm and the relocation, her office was down from 9/10/2008 through 10/4/2008. Some of her files were destroyed and difficult to find. Thus, resulting in an unavoidable delay in filing a response to the office communication.

The petition filed October 27, 2008 was dismissed in a decision mailed November 20, 2008 because the showing of record was inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a) and because the petition fee was not paid.

Comes now petitioner with the instant petition under 37 CFR 1.137(b) however without the fee for the petition filed October 27, 2008. A fee for the previously filed petition will be required before the merits of the instant petition can be addressed. The application will therefore remain in an abandoned status until such time as the petition fee has been paid.

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

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

By FAX: (571) 273-8300

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
www.uspto.gov

DELPHINE M. JAMES
2656 SOUTH LOOP WEST #170
HOUSTON TX 77054

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APR 30 2009

OFFICE OF PETITIONS

In re Application of
Duane Lee Whitney Reed et al.
Application No. 11/998,506
Filed: November 3, 2007
Title of Invention: **BUTTON HEAD LUBRICATION FITTING PRESSURE RELEASE TOOL**

ON PETITION

This is a decision on the renewed petition filed March 31, 2009, under 37 CFR 1.137(b)[1] to revive the above-identified application.

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

This application became abandoned for failure to file a response to the Notice to File Missing Parts mailed January 3, 2008 which set a two month extendable period for reply. A response was filed March 3, 2008 but was incomplete and thus a Notice of Incomplete Reply was mailed March 28, 2008. The Notice advised that the period for reply remained as set forth in the Notice mailed January 3, 2008. A second reply was filed May 5, 2008 which was also incomplete and a Notice of Incomplete Reply was mailed June 5, 2008. That Notice again advised that the period for reply remained as set forth in the Notice mailed January 3, 2008. Another response was filed June 30, 2008. At no time were extensions of time requested in accordance with 37 CFR 1.136(a) with the responses filed May 5, 2008 and June 30, 2008. As a result thereof, a Notice of Incomplete Reply was mailed August 25, 2008 noting that the response filed June 30, 2008 was received in the U.S. Patent and Trademark Office after the expiration of the period for reply set forth in the Notice and advised that a request for an extension of time with the appropriate fees would be required to avoid abandonment. A

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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

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

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

three month extension of time and fee in the amount of $555 was filed October 8, 2008 with a request to suspend the requirement for any further extensions related to this matter. No timely response and no timely extension of time request was filed prior to the abandonment of the application and thus, a Notice of Abandonment was mailed October 9, 2008.

In a petition filed October 27, 2008, petitioner asserted unavoidable delay in filing a timely response to the January 3, 2008 Notice to File Missing Parts Final Office Action in view of the patent office declaring Houston, Texas to be a disaster area. Petitioner argued that her office building at 2656 South Loop was under postal interruption because the building was severely damaged during Hurricane Ike and requests that the director accept the drawings. Petitioner further argued that her office building was damaged by Hurricane Ike, was closed and that she was unable to get access for a period of 5 days after the storm. As a result of the storm and the relocation, her office was down from 9/10/2008 through 10/4/2008. Some of her files were destroyed and difficult to find. Thus, resulting in an unavoidable delay in filing a response to the office communication.

The petition filed October 27, 2008 was dismissed in a decision mailed November 20, 2008 because the showing of record was inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a).

A petition filed January 26, 2009 under 37 CFR 1.137(b) was not treated on the merits and thus dismissed in a decision mailed February 23, 2009 because the fee for the petition under 37 CFR 1.137(a), previously filed, had not been paid.

Comes now petitioner with the fee for the petition under 37 CFR 1.137(a), previously filed on October 27, 2008. Petitioner is advised that the required fee pursuant to 37 CFR 1.17(l) for a petition under 37 CFR 1.137(a) is set at $270.00 for a small entity. Since petitioner submitted a check in the amount of $810.00 a refund in the amount of $540.00 will be issued in due course.

The response in the manner of required fees, the oath or declaration and replacement drawings have been satisfied. All other requirements under 37 CFR 1.137(b) having been met, this matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/998,507	11/30/2007	Douglas Rose	007923.P006	6947

84372 7590 02/12/2010

SunPower/ BSTZ
Blakely Sokoloff Taylor & Zafman LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
DAM, DUSTIN Q	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/12/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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SunPower/ BSTZ
Blakely Sokoloff Taylor & Zafman LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

FEB 12 2010

In re Application of	:	
Rose et al.	:	DECISION ON PETITION
Application No. 11/998,507	:	TO MAKE SPECIAL UNDER
Filed: 11/30/2007	:	THE GREEN TECHNOLOGY
Attorney Docket No. **007923.P006**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 2/4/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

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

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

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

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

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

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

CROCKETT & CROCKETT, P.C.
26020 ACERO
SUITE 200
MISSION VIEJO CA 92691

In re Application of :
Steven Paperno et al. :
Application No. 11/998,533 : DECISION ON PETITION
Filed: November 30, 2007 : TO WITHDRAW
Attorney Docket No. 212/956 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 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 address is neither the first named inventor nor the assignee of record. The Office will only accept changes to the most current address information provided for the assignee of the entire interest that properly became of record under 37 CFR 3.71 statement or, the most current address of the first named inventor.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

CROCKETT & CROCKETT, P.C.
26020 ACERO
SUITE 200
MISSION VIEJO CA 92691

In re Application of

Steve Paperno et al.
Application No. 11/998,533
Filed: November 30, 2007
Attorney Docket No. **212/956**

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 August 28, 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 Paul J. Backofen on behalf of all attorneys of record who are associated with Customer Number 23371.

All attorneys/agents associated with the Customer Number 23371 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 Steve Paperno at the address list listed in the request.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Steve Paperno
28632 Roadside Drive, Suite 280
Agoura Hills, CA 91301

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
11/998,533	11/30/2007	Steven Paperno	212/956

CONFIRMATION NO. 7009

POWER OF ATTORNEY NOTICE

23371
CROCKETT & CROCKETT, P.C.
26020 ACERO
SUITE 200
MISSION VIEJO, CA 92691

Date Mailed: 09/30/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/28/2009.

- 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.

/jlburke/

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

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OFFICE OF PETITIONS

K&L GATES LLP
535 SMITHFIELD STREET
PITTSBURGH, PA 15222

In re Application of
Galen C. Robertson
Application No. 11/998,543
Filed: November 30, 2007
Attorney Docket No.
END6383USNP/070647

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed November 5, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on March 19, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

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

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of June 4, 2009 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 3731 for examination in due course.

Karen Creasy
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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/998,543	11/30/2007	Galen C. Robertson	END6383USNP/070647

CONFIRMATION NO. 6995

26285
K&L GATES LLP
535 SMITHFIELD STREET
PITTSBURGH, PA 15222

NONPUBLICATION RESCISSION LETTER

Date Mailed: 12/19/2008

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

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

The projected publication date is 06/04/2009.

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

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

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

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

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

/kocreasy/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Kevin E. McVeigh
RHODIA INC.
8 Cedar Brook Drive (CN 7500)
Cranbury NJ 08512-7500

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DEC 0 8 2008

OFFICE OF PETITIONS

In re Application of :
De Campo et al. :
Application No. 11/998,551 : DECISION ON PETITION
Filed: November 30, 2007 :
Attorney Docket No. RD 06024 :

This is a decision on the petition, filed September 24, 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. Petitioner has requested alternate treatment under 37 CFR 1.137(b).

The petition under 37 CFR 1.181 is **DISMISSED**.
The petition under 37 CFR 1.137(b) is **DISMISSED**.

This above-identified application became abandoned for failure to file a response to a Notice to file Missing Parts of a Nonprovisional Application, which was mailed on December 21, 2007. The Notice to File Missing Parts set an extendable two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on February 22, 2008. A Notice of Abandonment was mailed on September 3, 2008.

Petitioner asserts that the Notice to File Missing Parts dated December 21, 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. Items (1) and (3) have not been satisfied.

As to item (1), petitioner needs to describe the system used for recording Office actions and establish that the system was sufficiently reliable.

As to item (3), a review of the docket records shows that petitioner has failed to provide master docket records for the firm. Nor has petitioner stated that a master docket does not exist. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP 711.03(c). Petitioner has only provided an individual docket record for the above-identified application.

Petition Under 37 CFR 1.137(b)

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.

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), although petitioner states that a signed declaration pursuant to 37 CFR 1.63 has been provided on petition, a review of the record shows that a signed declaration has not been provided.

Pursuant to petitioner's request, deposit account no. 18-1169 will be charged the $130 surcharge.

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

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

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

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

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

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kevin E. McVeigh
RHODIA INC.
8 Cedar Brook Drive (CN 7500)
Cranbury NJ 08512-7500

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MAR 06 2009

OFFICE OF PETITIONS

In re Application of
De Campo et al.
Application No 11/998,551
Filed: November 30, 2007
Attorney Dkt. No: RD 06024
For: Scale Squeeze Treatment Systems and Methods

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to file Missing Parts of a Nonprovisional Application, which was mailed on December 21, 2007. The Notice to File Missing Parts set an extendable two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on February 22, 2008. A Notice of Abandonment was mailed on September 3, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed declaration and $130 surcharge fee (2) the petition fee of $1540.00, 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

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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MCCARTER & ENGLISH, LLP
BOSTON
265 FRANKLIN STREET
BOSTON MA 02110

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of
John R. Gilbert et al
Application No. 11/998,557
Filed: November 30, 2007
Attorney Docket No. TGZ-035CN

DECISION ON PETITION

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

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed April 22, 2009, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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MCCARTER & ENGLISH, LLP BOSTON
265 Franklin Street
Boston, MA 02110

Mail Date: 04/21/2010

Applicant	: John R. Gilbert	: DECISION ON REQUEST FOR
Patent Number	: 7611309	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/998,557	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/998,594	11/29/2007	Naotaka Sato	450100-03976.1	6416

7590 08/28/2009

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER	
BOST, DWAYNE D	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
08/28/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Repln. Ref: 08/28/2009 BPOWELL 00120125000
DAN:500320 Name/Number:11998594
FC: 9204 $510.00 CK

Adjustment date: 08/28/2009 BPOWELL
12/04/2007 HLE333 00000002 11998594
02 FC:1111 -510.00 OP

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Treyz Law Group
870 Market Street, Suite 984
San Francisco, CA 94102

Mail Date: 04/21/2010

Applicant	: Ali Burney	: DECISION ON REQUEST FOR
Patent Number	: 7587537	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/998,603	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 06/18/2010

Applicant	: Manfred Klein	: DECISION ON REQUEST FOR
Patent Number	: 7642461	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/998,638	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/29/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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OFFICE OF PETITIONS

In re Application of :
Eduardo Romero-Nochebuena et al :
Application No. 11/998,644 : DECISION ON PETITION
Filed: November 30, 2007 :
Attorney Docket No. C-7283 :

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

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a declaration and surcharge fee ; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Missing Parts Of Nonprovisional Application mailed December 21, 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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Robert Charles Hill
235 Montgomery Street #821
San Francisco CA 94104

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OFFICE OF PETITIONS

In re Application of	:	
Gianni Siracusa	:	
Application No. 11/998,662	:	DECISION ON PETITION
Filed: November 30, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 483	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 30, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant's birth certificate proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3725 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

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SEP 15 2008

In re Application of :
HOBERMAN, Barry B. et al. :
Application No. 11/998,725 : DECISION ON PETITION
Filed: November 30, 2007 : TO WITHDRAW
Attorney Docket No. **2037.2077-010** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 27, 2008.

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

A review of the file record indicates that the power of attorney to Carr & Ferrell LLP has been revoked by the assignee of the patent application on August 04, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the 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: **HAMILTON, BROOK, SMITH & REYNOLDS, P.C.**
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

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OFFICE OF PETITIONS

In re Application of :
Lawrence Jon Fenske, et al. :
Application No. 11/998,745 : ON PETITION
Filed: November 30, 2007 :
Attorney Docket No. RIN-013-CON :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 26, 2010, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

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.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 20, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 21, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of 1620; and (3) a proper statement of unintentional delay.

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

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 May 26, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application.

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 Technology Center.

April M. Wise
Petitions Examiner
Office of Petitions

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CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

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In re Application of :
Randy J. CAPLAN et al :
Application No. 11/998,762 : DECISION ON PETITION
Filed: November 30, 2007 : TO WITHDRAW
Attorney Docket No. PA4527US : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 27, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Customer Number 22830, the above identified has been revoked by the assignee, Mosaid Technologies Corporation, of the patent application on August 04, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the new correspondence address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to K. Reichle at 571-272-6051.

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Leslie Z. Fox :
Application No. 11/998,773 : DECISION ON PETITION
Filed: December 3, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 07PLI1477 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 3, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3765 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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29586
FSP LLC
P.O. Box 890
Vancouver, WA 98666

In re Application of :
ARNOLD, Mark T. :
Application No.: 11/998,795 : **DECISION**
Filing Date: November 30, 2007 :
Attorney Docket No.: FSP0299 :
For: PREWASH DISH CLEANING DEVICE :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 18, 2008 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed international application designating the United States of America set forth in the amendment filed concurrently with the instant petition.

The petition is hereby **DISMISSED** as follows:

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). 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 petition does not comply with item (1).

Applicants submitted a reference to the prior-filed international application designating the United States of America in an amendment filed with the subject petition. However, the amendment is unacceptable as it was not signed by counsel, or meet the requirements of an acceptable electronic signature. *See* 37 CFR 1.4(d).

Any questions regarding this matter may be directed to James Thomson at (571) 272-3302.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

11 FEB 2009

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FSP LLC
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Vancouver, WA 98666

In re Application of :
ARNOLD, Mark T. :
Application No.: 11/998,795 : **DECISION**
Filing Date: November 30, 2007 :
Attorney Docket No.: FSP0299 :
For: PREWASH DISH CLEANING DEVICE :

This is a decision on the renewed petition under 37 CFR 1.78, filed 25 November 2008 and supplemented on 02 February, 2009 to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) and § 120 for the benefit of priority to the prior-filed international application designating the United States of America and the provisional application as set forth in the amendment filed concurrently with the supplemental petition.

The renewed petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

(1) the reference required by 35 U.S.C. § 120, § 119(e) 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 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.

The petition complies with the requirements for a grantable petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the prior-filed international application designating the United States of America was submitted in an amendment filed February 2, 2009 in accordance with 37 CFR 1.76 to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) was previously submitted; and (3) Applicants' statement in the petition filed June 18, 2008 is construed as meaning that "the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional." If this is incorrect, applicant **MUST**

IMMEDIATELY notify the Office of PCT Legal Administration. As so construed, then item (3) is satisfied.

Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

This matter is being referred to Technology Center Art Unit 3723 for appropriate action on the amendment filed September 17, 2008, including consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed international application designating the United States of America.

Any questions concerning this decision may be directed to James Thomson at (571) 272-3302.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

16 SEP 2008

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CHARLES A. MIHRO
FSP LLC
P.O. BOX 890
VANCOUVER WA 98666

In re Application of: ARNOLD, Mark, T. U.S. Application No.: 11/998,796 Filing Date: November 30, 2007 Atty Docket No.: FSP0298 For: PREWASH DISH CLEANING DEVICE	DECISION ON PETITION UNDER 37 CFR 1.78(a)(3) AND 37 CFR (a)(6)

This is a decision on the "Petition Under 37 CFR 1.78" filed June 18, 2008, treated herein as a petition under 37 CFR 1.78(a)(3) and (a)(6). The petition seeks acceptance of an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of the prior-filed international application designating the United States identified in the concurrently filed amendment and a prior-filed U.S. provisional application. Deposit Account No. 50-1691 will be charged the required petition fee.

The petition is **DISMISSED**.

37 CFR 1.78(a)(3) applies where an applicant seeks to add a late claim of benefit under 35 U.S.C. 120 and 365(c) to a prior-filed international application designating the United States; 37 CFR 1.78(a)(6) applies where an applicant seeks to add a late claim of priority to a prior-filed provisional application. Applicant here is seeking to add priority claims to both an international application (PCT/US02/41505) and a provisional application (60/346,071). Accordingly, the present petition is properly considered under both 37 CFR 1.78(a)(3) and (a)(6).[1]

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

The present non-provisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration

[1] It is noted that the original ADS and specification included a priority claim to the provisional application. However, the provisional application was filed on June 03, 2005, more than 12 months prior to the present application, and the priority claim to the provisional submitted by applicant did not include a proper reference to an intermediate application that properly claimed the benefit of the provisional application. The original claim to the provisional application was therefore not acceptable. See MPEP section 201.11(III)(C).

of the periods specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The present petition fails to comply with item (1) above.

The amendment filed with the present petition is not properly signed by counsel, and therefore cannot be entered. See 37 CFR 1.4. Moreover, the amendment fails to indicate that the prior-filed international application (the intermediate application) claims the benefit of provisional application 60/687,509, filed June 03, 2005, as necessary for properly asserting a claim to the provisional application in the present application. See MPEP 201.11(III)(C) (emphasis added):

> Although an application that itself directly claims the benefit of a provisional application is not required to specify the relationship to the provisional application, **if the instant nonprovisional application is not filed within the 12 month period, but claims the benefit of an intermediate nonprovisional application under 35 U.S.C. 120 that was filed within 12 months from the filing date of the provisional application and claimed the benefit of the provisional application, the intermediate application must be clearly identified as claiming the benefit of the provisional application so that the Office can determine whether the intermediate nonprovisional application was filed within 12 months of the provisional application** and thus, whether the claim is proper. [...]
>
> **If a benefit claim to a provisional application is submitted without an indication that an intermediate application directly claims the benefit of the provisional application and the instant nonprovisional application is not filed within the 12 month period or the relationship between each nonprovisional application is not indicated, the Office will not recognize such benefit claim** and will not include the benefit claim on the filing receipt.

Before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) and a substitute amendment[1] or Application Data Sheet ("ADS") which properly sets forth the relationship of the prior-filed application(s) is required. An example of an acceptable reference would be as follows: "This application is a continuation of international application PCT/US06/21826, filed June 05 2006, which claims the benefit of U.S. provisional application 60/687,509, filed June 03 2005." Any amendment submitted by applicant must be properly signed by counsel.

No additional petition fee is required.

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

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) 273-8300
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Richard M. Ross at (571) 272-3296.

Boris Milef
Legal Examiner
Office of Petitions and PCT Legal Administration

[1] *Note* 37 CFR 1.121

UNITED STATES PATENT AND TRADEMARK OFFICE

0 2 DEC 2008

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

CHARLES A. MIHRO
FSP LLC
P.O. BOX 890
VANCOUVER WA 98666

In re Application of:	:	
ARNOLD, Mark, T.	:	DECISION ON RENEWED
U.S. Application No.: 11/998,796	:	PETITION
Filing Date: November 30, 2007	:	(37 CFR 1.78(a)(3) and (a)(6))
Atty Docket No.: FSP0298	:	
For: PREWASH DISH CLEANING DEVICE	:	

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.78" filed October 09, 2008. No additional petition fee is required.

BACKGROUND

The background for the present decision was set forth in the decision mailed on September 16, 2008. That decision dismissed applicant's petition under 37 CFR 1.78(a)(3) and (a)(6) for failure to satisfy all the requirements of a grantable petition. Specifically, applicant had not submitted the required reference to the prior-filed applications in the proper form.

On October 09, 2008, applicant filed the "Renewed Petition Under 37 CFR 1.78" considered herein, with accompanying materials.

DISCUSSION

The previous decision indicated that the amendment filed with applicant's original petition was unacceptable. Specifically, the amendment was unsigned, and it failed to set forth the relationship between the prior-filed international application and the earlier provisional application for which priority is requested.

The renewed petition is accompanied by a revised amendment that is signed and includes a revised priority reference that properly identifies the relationship between the present application and the prior-filed international application and provisional application: "This application claims priority under 35 U.S.C. 120 and/or 35 U.S.C. 365 as a continuation of PCT application PREWASH DISH CLEANING DEVICE, having international application number PCT/US06/21826, filed on Monday, June 05, 2006, which claims the benefit of U.S. provisional application 60/687,509." This submission satisfies the final requirement for a grantable petition.

CONCLUSION

Based on the above, the petition under 37 CFR 1.78(a)(3) and (a)(6) to add the delayed claim of benefit to the international application PCT/US06/21826, filed June 05, 2006, and to U.S. provisional application 60/687,509, filed June 03, 2005, is **GRANTED**.

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

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

Any questions concerning this decision may be directed to Richard M. Ross at (571) 272-3296. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE PROCTER & GAMBLE COMPANY
GLOBAL LEGAL DEPARTMENT - IP
SYCAMORE BUILDING - 4TH FLOOR
299 EAST SIXTH STREET
CINCINNATI, OH 45202

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JAN 06 2009

OFFICE OF PETITIONS

In re Application of :
Zhang et al. :
Application No. 11/998,797 : ON PETITION
Filed: November 30, 2007 :
Attorney Docket No. 10660 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 11, 2008, to revive the above-identified application.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Ms. Bridget Murray appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

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 April 3, 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 timely obtained. Accordingly, the application became abandoned on June 4, 2008. A Notice of abandonment was mailed December 9, 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 declaration in compliance with 37 CFR 1.63, including the $130 surcharge set forth in 37 CFR 1.16(f), (2) the petition fee of $1,620, and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $2,350 extension of time fee submitted with the petition on December 11, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing using the declaration filed December 11, 2008.

Telephone inquires related to this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RAMON L. PIZARRO
SUITE 200
3515 SOUTH TAMARAC DRIVE
DENVER CO 80237

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NOV 19 2008

In re Application of	:	
SMITH, Stephen J.	:	
Application No. 11/998,810	:	DECISION ON PETITION
Filed: November 29, 2007	:	TO WITHDRAW
Attorney Docket No. **SMITH 6**	:	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 19, 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 Ramon L. Pizarro 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 first named inventor Stephen J. Smith at the address indicated below.

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: **STEPHEN J. SMITH**
25 SOUTH CEDAR BROOK
BOULDER, COLORADO 80304

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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MICROVISION, INC.
6222 185TH AVENUE NE
REDMOND WA 98052

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of :
Wine, et al. :
Application No. 11/998,813 : DECISION ON PETITION
Filed:29 November, 2007 : UNDER 37 C.F.R. 1.78(a)(6)
Attorney Docket No. MVIS 98-08 D2 RE :

This is a decision on the petition under 37 C.F.R. § 1.78(a)(3), filed on 27 January, 2009, and supplemented on 20 March, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for benefit of priority to the prior-filed application set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 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 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 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

All the above requirements having been satisfied, the late claim for benefit of 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 C.F.R. § 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(4) 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 application, accompanies this decision on petition.

This application is being referred to Technology Center/AU 2878 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.

Any questions concerning this decision on petition may be directed to John J. Gillon, Jr., attorney, at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/998,813	11/29/2007	2878	785	MVIS 98-08 D2 RE	7	2

CONFIRMATION NO. 6189

CORRECTED FILING RECEIPT

26943
MICROVISION, INC.
6222 185TH AVENUE NE
REDMOND, WA 98052

OC000000036471314

Date Mailed: 06/16/2009

Receipt is acknowledged of this reissue 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)

David W. Wine, Seattle, WA;
Mark P. Helsel, Seattle, WA;
Jon D. Barger, Snohomish, WA;
Clarence T. Tegreene, Redmond, WA;

Assignment For Published Patent Application

MICROVISION, INC., BETHEL, WA

Power of Attorney: The patent practitioners associated with Customer Number 26943

Domestic Priority data as claimed by applicant

This application is a REI of 10/304,724 11/25/2002 PAT 6,653,621
which is a DIV of 09/816,809 03/23/2001 PAT 6,515,278
which is a DIV of 09/369,674 08/05/1999 PAT 6,245,590
and is a DIV of 09/369,674 08/05/1999 PAT 6,245,590

Foreign Applications

If Required, Foreign Filing License Granted: 02/26/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/998,813**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

FREQUENCY TUNABLE RESONANT SCANNER AND METHOD OF MAKING

Preliminary Class

250

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MICROVISION, INC.
6222 185TH AVENUE NE
REDMOND WA 98052

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MAR 17 2009

OFFICE OF PETITIONS

In re Application of :
Wine et al. :
Application No. 11/998,814 : DECISION ON PETITION
Filed: November 30, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. MVIS 98-08 C1 RE :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 27, 2009 to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 for the benefit of priority to prior-filed applications.

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.

A review of the specification provided shows that there is a break in the chain of the prior applications. It is noted that petitioner has not made reference to application 10/694,286, nor does the reference state that the above application is a reissue of application no. 10/694,286.

Where the benefit of more than one nonprovisional application is claimed, then the relationship between each application (i.e., continuation, divisional, or continuation-in-part) must be specified in order to establish copendency throughout the entire chain of prior-filed applications.

For example, a statement that "this application claims the benefit of Application Nos. C, B, and A" or "this application is a continuing application of Application Nos. C, B, and A" is improper. Applicant instead must state, for example, that "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which is a continuation of Application No. A, filed ---.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either a signed supplemental Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

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

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

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 15 2009

OFFICE OF PETITIONS

MICROVISION, INC.
6222 185TH AVENUE NE
REDMOND WA 98052

In re Application of
Wine et al.
Application No. 11/998,814
Filed: November 30,2007
Attorney Docket No. MVIS 98-08 C1 RE

: 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 March 20, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

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

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

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

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

filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Charlema Grant at (571) 272-3215. 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 2878 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
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/998,814	11/30/2007	2878	720	MVIS 98-08 C1 RE	18	2

CONFIRMATION NO. 6190

CORRECTED FILING RECEIPT

26943
MICROVISION, INC.
6222 185TH AVENUE NE
REDMOND, WA 98052

Date Mailed: 06/15/2009

Receipt is acknowledged of this reissue 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)

David W. Wine, Seattle, WA;
Mark P. Helsel, Seattle, WA;
Jon D. Barger, Snohomish, WA;
Clarence T. Tegreene, Bellevue, WA;

Assignment For Published Patent Application

Microvision, Inc., Redmond, WA

Power of Attorney: The patent practitioners associated with Customer Number 26943

Domestic Priority data as claimed by applicant

This application is a REI of 10/694,286 10/27/2003 PAT 6,924,476
which is a CON of 10/304,724 11/25/2002 PAT 6,653,621
which is a DIV of 09/816,809 03/23/2001 PAT 6,515,278
which is a DIV of 09/369,674 08/05/1999 PAT 6,245,590

Foreign Applications

If Required, Foreign Filing License Granted: 03/05/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/998,814**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

RESONANT BEAM SCANNER WITH RASTER PINCH COMPENSATION

Preliminary Class

250

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE PA 15668

COPY MAILED

DEC 15 2008

OFFICE OF PETITIONS

In re Application of :
Paul, et al. :
Application No. 11/998,843 : DECISION
Filed/Deposited: 30 November, 2007 :
Attorney Docket No. MB 598 :

This is a decision on the petition filed on 27 October, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **DISMISSED**.

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

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness and showing requirements for relief under 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

As is discussed below, the question herein is whether Petitioner replied timely to Notice of Missing Parts—and, as will be seen, the answer is that Petitioner did not.

BACKGROUND

The record reflects as follows:

Following Petitioner's deposit of the instant application on 30 November, 2007, on 11 February, 2008, the Office mailed the Notice of Missing Parts (basic fees, oath/declaration, surcharge, replacement drawings (37 C.F.R. §1.84, §1.121)) (copy enclosed) with reply due absent extension of time on or before 11 April, 2008.

On 19 February, 2008, Petitioner submitted an oath/declaration, surcharge, fees, but no replacement drawings.

On 10 March, 2008, the Office mailed a Notice of Incomplete Reply as to the drawings (copy enclosed), and the reply date remained as originally set forth.

The application went abandoned by operation of law after midnight 11 April, 2008.

The Office mailed the Notice of Abandonment on 20 October, 2008.

On 27 October, 2008, Petitioner filed, inter alia, a petition pursuant to 37 C.F.R. §1.181and an averment that a timely reply was submitted on 14 February (and filed on 19 February), 2008, and in support of the averment Petitioner provides copies of papers said to have been submitted to the Office. Notably Petitioner does not address the issue of the missing replacement drawings, and neither avers their timely submission nor provides copies of the replacement drawings themselves. (Nor does Petitioner address the Notice of Incomplete Reply.)

The discussion at MPEP 711.03(c)(I) provides in pertinent part:

> * * *
>
> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed

> in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. §1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).
>
> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]
>
> ***

While Petitioner may have submitted a reply, by Petitioner's own presentation of the nature and scope of the reply it clearly was incomplete.

Petitioner's problem, thus, is that Petitioner failed to reply timely and properly to the 11 February, 2008, Notice of Missing Parts—which is the reason that the Office mailed the Notice of Abandonment on 20 October, 2008.

Thus, Petitioner has not made the showing required herein.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of

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[1] *See*: MPEP §711.03(c) (I)(B).

representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

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

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 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[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[3] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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
11/998,843	11/30/2007	Enrico Paul	MB 598

CONFIRMATION NO. 6886

27956
KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668

FORMALITIES LETTER

OC000000028697025

Date Mailed: 03/10/2008

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 02/19/2008 to the Notice to File Missing Parts (Notice) mailed 02/11/2008 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136(a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Items Required to Avoid Abandonment:

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 18-20.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/tlulu/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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
11/998,843	11/30/2007	Enrico Paul	MB 598

CONFIRMATION NO. 6886

27956
KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668

FORMALITIES LETTER

OC000000028214651

Date Mailed: 02/11/2008

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
  *Applicant must submit $**310** to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 18-20.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of **$130** for a non-small entity, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$1160** for a non-small entity
- **$310** Statutory basic filing fee.
- **$130** Surcharge.
- The application search fee has not been paid. Applicant must submit **$510** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **$210** to complete the examination fee for a non-small entity.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/eayele/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KLAUS J. BACH
4407 TWIN OAKS DRIVE
MURRYSVILLE PA 15668

COPY MAILED

MAR 09 2009

OFFICE OF PETITIONS

In re Application of :
Paul, et al. :
Application No. 11/998,843 : DECISION
Filed/Deposited: 30 November, 2007 :
Attorney Docket No. MB 598 :

This is a decision on the petition filed on 21 January, 2009, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181. Petitioners must, *inter alia*, provide statements and documentary support as set forth in the Commentary at MPEP §711.03(c)(I).

BACKGROUND

The record reflects as follows:

Following Petitioner's deposit of the instant application on 30 November, 2007, on 11 February, 2008, the Office mailed the Notice of Missing Parts (basic fees, oath/declaration, surcharge, replacement drawings (37 C.F.R. §1.84, §1.121)) (copy enclosed) with reply due absent extension of time on or before 11 April, 2008.

On 19 February, 2008, Petitioner submitted an oath/declaration, surcharge, fees, but no replacement drawings.

On 10 March, 2008, the Office mailed a Notice of Incomplete Reply as to the drawings (copy enclosed), and the reply date remained as originally set forth.

The application went abandoned by operation of law after midnight 11 April, 2008.

The Office mailed the Notice of Abandonment on 20 October, 2008.

On 27 October, 2008, Petitioner filed, inter alia, a petition pursuant to 37 C.F.R. §1.181and an averment that a timely reply was submitted on 14 February (and filed on 19 February), 2008, and in support of the averment Petitioner provides copies of papers said to have been submitted to the Office. Notably Petitioner does not address the issue of the missing replacement drawings, and neither avers their timely submission nor provides copies of the replacement drawings themselves. (Nor does Petitioner address the Notice of Incomplete Reply.)

The discussion at MPEP 711.03(c)(I) provides in pertinent part:

> * * *
>
> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
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> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. §1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]
>
> ***

Because Petitioner failed to make a showing of timely and proper reply to the 11 February, 2008, Notice of Missing Parts consistent with the guidance in the Commentary at MPEP §711.03(c)(I), the petition was dismissed on 15 December, 2008.

On 21 January, 2009, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 averring that completion of timely reply was submitted on 21 March, 2008, when he submitted replacement drawings. In lieu of a date stamped receipt card, Petitioner submitted a copy of the transmittal with a certificate of mailing pursuant to 37 C.F.R. §1.8 signed and dated by Petitioner with a statement by him as the signing party on the certificate, with copies of the drawings (FIGS 18-20) averred submitted consistent with the guidance in the Commentary at MPEP §711.03(c)(I).

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the

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[1] *See*: MPEP §711.03(c) (I)(B).

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

regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[3],[4]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The record evidences a satisfactory presentation of the showing requirements under the Rule. It is noted, however, that the timing requirements were not satisfied.

CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**, and the 20 October, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing as necessary in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

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[3] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[4] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[5] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Mr. Philip Jarvinen
15 Fairway Drive
Amherst NH 03031

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MAR 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Philip Jarvinen :
Application No. 11/998,883 : DECISION ON PETITION
Filed: December 3, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 3, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2836 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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SUITE 1340
ALBUQUERQUE NM 87102

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DEC 18 2009

OFFICE OF PETITIONS

In re Application of :
Daniel D,. Sheilds, et al. :
Application No. 11/998,889 : ON PETITION
Filed: December 3, 2007 :
Attorney Docket No. LIQUIDWICK :

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

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed January 13, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on April 14, 2009. The Notice of Abandonment was mailed July 22, 2009.

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

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). The amendment filed herewith petition ***does not*** prima facie place the application in condition for allowance.

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

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

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

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

Enclosed: Examiner's Advisory Action PTOL-303

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 11/998,889	**Applicant(s)** SHIELDS ET AL.	
	Examiner PUNAM PATEL	**Art Unit** 2855	

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

THE REPLY FILED 16 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☒ Newly proposed or amended claim(s) *19 and 21* would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *20, 23, and 24*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Lisa M. Caputo/
Supervisory Patent Examiner, Art Unit 2855

/PP/ 12/16/2009

Claims 20 and 24 would be rejected under 35 USC 112 1st paragraph for lacking enablement. The disclosure fails to teach a fluid liquidwick filling operable to provide an audible signal to the user. See Specification, para. 40, wherein only "when metallic liquidwick is used (such as lead bird shot or metallic balls), the present invention allows the user to audibly hear the approximate moment that a transfer of weight occurs in the pool cue stick". Also, see Specification, para. 49, wherein the embodiment comprising a free flowing liquid providing the advantage of a balanced and completed follow through. The disclosure fails to teach or suggest a liquid filling providing an audible signal to the user and the signal being at the approximate moment of transfer of weight in the billiard cue. Applicant argues that a paritially filled bottle of water provides an audible signal when the bottle is moved (Remarks, pg. 5). It is understood that the audible signal depends on the thickness of the bottle container. In this instance, how would the movement of a viscous liquid (see Specification, para. 7, wherein viscous liquid is taught as a liquid example) in the billiard cue provide an audible signal to the user through the PVC layer and the cue handle material, generally known to be wood? Furthemore, how would a visous liquid provide a signal at the moment a weight transfer occurs (it is understood that a viscous liquid moves much slower than water, etc.)?

Secondly, Claims 20 and 24 would be rejected under 35 USC 112 1st paragraph for lacking enablement, since the term "fluid" discloses a gas. How would a gaseous liquidwich provide an audible signal at the approximate moment that a transfer of weight occurs?

Claim 23 would be rejected under 35 USC 112 1st paragraph for lacking enablement. How would the liquidwick operable to provide an audible signal, transform along with forward momentum and inertia once the ball is struck (see Remarks, pg. 5)? It is understood that the liquidwick would move/displace within the chamber along with the forward momementum and inertia. However, it is unclear as to what transformation of the solid liquidwick occurs due to forward momentum and inertia. The disclosure fails to support or teach such a transformation process.

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MAR 0 4 2010

OFFICE OF PETITIONS

In re Application of	:	
Daniel D. Shields, et al.	:	
Application No. 11/998,889	:	DECISION ON PETITION
Filed: December 3, 2007	:	
Attorney Docket No. LIQUIDWICK	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed January 13, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 14, 2009. The Notice of Abandonment was mailed July 22, 2009.

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

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

This application is being referred to Technology Center AU 2855 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
(FORMERLY KIRKPATRICK & LOCKHART NICHOLSON GRAHAM)
STATE STREET FINANCIAL CENTER
ONE LINCOLN STREET
BOSTON MA 02111-2950

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APR 0 7 2008

OFFICE OF PETITIONS

In re Application of
Kenneth Steeples et al.
Application No. 11/998,901
Filed: December 3, 2007
Attorney Docket No.: QCS-014

: DECISION GRANTING PETITION

This is a decision on the petition filed March 19, 2008 under 37 CFR 1.53(e), in response to the "Notice to File Missing Parts" mailed December 19, 2007, which is treated under 37 CFR 1.182.

The instant application was filed December 3, 2007 and a filing date was accorded. However, the Notice indicated that Figures 3 and 4 described in the specification appeared to have been omitted.

Petitioner asserts that Figures 3 and 4 were among the papers filed on December 3, 2007, and submits, *inter alia*, a "legible" postcard receipt in evidence thereof. While only two (2) sheets of drawing figures is of record, the postcard receipt, identifies the application and acknowledges, inter alia, that the application included 3 sheets of drawings including Figures 1-4 and bears a United States Patent and Trademark Office date-stamp of December 3, 2007. Additionally, the postcard receipt lacks any notation of non-receipt of any item listed. In view thereof, the petition is **GRANTED.**

Given the basis for granting the petition, the petition fee in the amount of $400 will be credited to deposit account no. 50-1721.

This matter will be forwarded to the Office of Patent Application Processing for further processing, using the application papers received in the Office on December 3, 2007 and Figures 3-4 submitted on petition March 19, 2008.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WWW.USPTO.GOV

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JUN 01 2010

OFFICE OF PETITIONS

Thomas Spinelli, Esq.
14 Mystic Lane
Northprot NY 11768

In re Application of :
Rastegar et al. :
Application No. 11/998,926 :
Filed: December 3, 2007 : DECISION ON PETITION
Attorney Docket No. 10057 : UNDER 37 C.F.R. § 1.137(B)
Title: SHAPE AND PRESSURE :
ADJUSTABLE DRESSING :

This is a decision on the petition filed April 25, 2010, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed October 13, 2009, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no response was received. Accordingly, the above-identified application became abandoned on January 14, 2010. A notice of abandonment was mailed on April 22, 2010.

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

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

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

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

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

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

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment submitted on April 25, 2010 - can be processed in due course.

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

Petitioner has also submitted a three-month extension of time. An extension of time under 37 C.F.R. § 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] Accordingly, since the $555 extension of time submitted with the petition on April 25, 2010 was filed subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Petitioner's credit card in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[3] All other inquiries

---

1 See Rule 1.137(d).

2 See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

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

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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2 Independence Way, Patent Operations
PO Box 5312
Princeton NJ 08543

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OFFICE OF PETITIONS

In re Application of :
Dore et al. :
Application No. 11/998,964 : DECISION ON PETITION
Filed: 12/03/2007 :
Attorney Docket No. PF060185 :

This is a decision on the petition filed February 1, 2008, requesting that the application be accorded a filing date of December 3, 2007, with Figures 1-9 as part of the original disclosure.

On December 3, 2007, applicants filed the above-identified application. However, on January 14, 2008, the Office mailed a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice of Omitted Item(s)"), stating that the application had been accorded a filing date of December 3, 2007, and advising applicants that Figures 1-9 appeared to have been omitted.

In response, on February 1, 2008, applicants submitted the present petition, 8 sheets of drawings (Figures 1-9, pages 1/10-8/10), and an authorization to charge the $400.00 petition fee. Additionally, applicants submitted a copy of applicants' returned, date-stamped postcard receipt acknowledging receipt of 10 sheets of drawings in the USPTO on December 3, 2007. Thereafter, the Office accorded the application a filing date of February 1, 2008, the date of receipt of the omitted figures in the USPTO.

Upon review of the record, Figures 1-9, deposited on December 3, 2007, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on December 3, 2007, included Figures 1-9, which were subsequently misplaced in the USPTO. Therefore, the application, including Figures 1-9, was complete on filing and will be granted a filing date of December 3, 2007.

Accordingly, the petition is **GRANTED**.

The Notice of Omitted Item(s) was sent in error and is hereby withdrawn. Accordingly, no petition fee is necessary. The $400.00 petition fee will be refunded to the Deposit Account.

The Office of Patent Application Processing is directed **to accord the above-identified application a filing date of December 3, 2007,** using the 2 sheets of drawings submitted on that date, and Figures 1-9 submitted with the petition on February 1, 2008, as part of the original disclosure.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

OIPE
FEB 01 2008
PATENT & TRADEMARK OFFICE
IAP74

DFW

Serial No. 11/998.964
Customer No.: 24498

Docket No: PF060185

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Renaud Dore; Patrick Fontaine; Ludovic Jeanne
Serial No.: 11/998,964
Filed: 12/03/2007
For: **COMMUNICATION METHOD BETWEEN AT LEAST ONE SUBSCRIBER STATION AND AT LEAST TWO BASE STATIONS**

PETITION UNDER CFR 1.53 (b)
FILING OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

Attention: Initial Patent Examination Division

Responsive to the Notice to File Omitted Item(s) in a Nonprovisional Application mailed January 14, 2008, in the above identified application, Applications hereby submit the following:

A. Petition Fee Transmittal Letter under CFR 1.17 (f) - $400.00
B. A copy of Notice of Omitted Item(s) in a Nonprovisional Application.
C. A copy of US National postcard previously submitted to USPTO.
D. A copy of Figure(s) 1-9 (Pages 1-10) described in the specification.

A Utility Patent Application was enclosed originally and we believe that the figures you are requesting were, in fact, included in the original application. In respect of that fact, the original postcard is enclosed listing the 10 pages of drawings. However, if figures 1-9 are not available other than through this current correspondence, please charge any fees due to Deposit Account No. 07-0832.

Adjustment date: 04/02/2008 CKHLOK
02/01/2008 MGEBREM1 00000075 070832 11998964
01 FC:1462 400.00 CR

Respectfully submitted,
Renaud Dore
Patrick Fontaine
Ludovic Jeanne

Jeffrey M. Navon
Attorney for Applicants
Reg. No. 32,711
609-734-6823

Thomson Licensing LLC
PO Box 5312
Princeton, NJ 08543-5312

Date: Jan. 29, 2008

Certificate of Mailing under CFR 1.8

I hereby certify that this response is being deposited with the United States Postal Service as first class mail in a postage paid envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box # 1450, Alexandria, VA 22313-1450.

Date: 1/29/08

Signature: _____
Lois. B. Greene, Patent Administrator

02/01/2008 MGEBREM1 00000075 070832 11998964
01 FC:1462 400.00 DA

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request:	04/01/08	2 Serial/Patent #	11998964

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
X	Petition		02/01/08	$ 400.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND: $ 400.00

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 0 7 -- 0 8 3 2

10 REASON:

X	Overpayment
	Duplicate Payment
	No Fee Due (Explanation):

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Christina Tartera Donnell TITLE: Petitions Attorney

SIGNATURE: /christina tartera donnell/ PHONE: 571-272-3211

OFFICE: Office of Petitions - 4700

****

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Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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Crystal Park One, Room 802B

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OFFICE OF PETITIONS

In re Application of :
Nagarajan et al. :
Application No. 11/998981 : ON PETITION
Deposited: November 5, 2007 :
Attorney Docket No. NA-1303 :

This is in response to the "PETITION UNDER 37 CFR 1.57(a), AND RESPONSE TO THE NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b)" filed on October 28, 2008, requesting that the above-referenced application be accorded a filing date of November 5, 2007. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on November 5, 2007. However, on February 8, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 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.

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application.

Applicants assert that the drawings are incorporated by reference under 37 CFR 1.57(a). It is noted that applicant cannot rely upon the provisions of 37 CFR 1.57(a) since the claim for priority was not in the first sentence(s) of the specification following the title.[2] However, under 37 CFR 1.57(b), since there is an express incorporation by reference, applicant may add the drawings by an amendment which will be considered by the examiner.

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(b) 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 5, 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 5, 2007;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Petitioner may wish to file the omitted drawings in a preliminary amendment. If the drawings are filed in a preliminary amendment, entry of the amendment will be determined by the examiner.

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

Anthony Knight
Supervisor
Office of Petitions

[2] See 37 CFR 1.78(a)(1)(iii).

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Commissioner for Patents
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KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

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FEB 0 5 2009

OFFICE OF PETITIONS

In re Application of
Felipe G. Calzadilla
Application No. 11/999,001
Filed: December 3, 2007
Attorney Docket No.: CALZAD3.0-001

ON PETITION

This is a decision on the petition filed December 15, 2008 under 37 CFR 1.181 to withdraw the holding of abandonment for the above-identified application.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application was held abandoned on May 7, 2008 and a Notice of Abandonment was mailed November 12, 2008 for the applicant's failure to file a response to the Notice to File Corrected Application Papers mailed March 6, 2008.

Petitioner asserts that a response in the manner of replacement drawings was filed February 22, 2008 to a Notice to File Missing Parts mailed January 8, 2008 and thus petitioner did not believe that an additional response was due.[1]

Petitioner's arguments have been considered but are not persuasive. Petitioners are advised that by law a proper and timely response was required to the Notice to File Corrected Application Papers mailed March 6, 2008, irrespective of the response previously filed on February 22, 2008. The failure to file a response within two months of the Notice to File Corrected Application Papers mailed March 6, 2008 caused the application to become abandoned.

[1]The Notice to File Missing Parts mailed January 8, 2008 was withdrawn by Notice mailed March 6, 2008 and was replaced by the Notice to File Corrected Application Papers mailed March 6, 2008.

Applicants are not afforded an opportunity to withhold a response to an office communication even based on the belief that the response previously filed was sufficient.

In view thereof, the holding of abandonment will not be withdrawn.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(a)[2] or 37 CFR 1.137(b),[3] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A

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[2]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

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

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

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

[3]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

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 FAX: (571) 273-8300

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

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United States Patent and Trademark Office
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KRUMHOLZ & MENTLIK
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WESTFIELD NJ 07090

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OFFICE OF PETITIONS

In re Application of
Felipe G. Calzadilla
Application No. 11/999,001
Filed: December 3, 2007
Attorney Docket No.: CALZAD3.0-001

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),[1] filed March 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned May 7, 2008 for failure to file a response to the Notice to File Corrected Application Papers mailed March 6, 2008. Accordingly, a Notice of Abandonment was mailed November 12, 2008.

Receipt of the replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 is acknowledged.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

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Fakhruddin T. Attarwala
364 Cherry Hill Road
Princeton NJ 08540

MAILED

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OFFICE OF PETITIONS

In re Application of
Fakhruddin T. Attarwala
Application No. 11/999,056
Filed: December 4, 2007

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 5, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 16, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 17, 2009. The Notice of Abandonment was mailed March 26, 2010.

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

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

This application is being referred to Technology Center AU 2121 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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JACKSON WALKER, L.L.P.
112 E. PECAN, SUITE 2400
SAN ANTONIO, TX 78205

Mail Date: 04/20/2010

Applicant	: Chen-Hsuan Hsu	: DECISION ON REQUEST FOR
Patent Number	: 7605762	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/999,115	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

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FURGANG & ADWAR
2 CROSFIELD AVENUE
WEST NYACK NY 10994

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OFFICE OF PETITIONS

In re Application of :
Peter Grotto :
Application Number: 11/999125 : DECISION ON PETITION
Filing Date: 12/04/2007 : UNDER 37 CFR 1.137(b)
Attorney Docket Number: 9782-P :

This is a decision on the petition, filed on September 2, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on December 2, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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

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

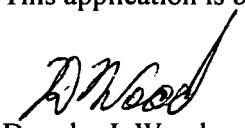
(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a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

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of February 11, 2010 accompanies this decision on petition.

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

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



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/999,125	12/04/2007	Peter Grotto	9782-P

CONFIRMATION NO. 7903

21494
FURGANG & ADWAR
2 CROSFIELD AVENUE
WEST NYACK, NY 10994

NONPUBLICATION RESCISSION LETTER

Date Mailed: 11/04/2009

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 02/11/2010.

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

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

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

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

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

/diwood/

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

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LINDA FLEWELLEN GOULD
1665 BRIARGATE BLVD. #101
COLORADO SPRINGS, CO 80920

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OFFICE OF PETITIONS

In re Application of	:	
John KAUFFMAN	:	
Application No. 11/999,157	:	DECISION ON PETITION
Filed: December 4, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 4, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/999,179	12/04/2007	John Girdner Atwood	5010-141-05	8280

35411 7590 01/08/2010

KILYK & BOWERSOX, P.L.L.C.
3925 CHAIN BRIDGE ROAD
SUITE D401
FAIRFAX, VA 22030

EXAMINER	
BEISNER, WILLIAM H	

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
01/08/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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KILYK & BOWERSOX, P.L.L.C.
3925 CHAIN BRIDGE ROAD
SUITE D401
FAIRFAX VA 22030

Applicant: Atwood et al.
Appl. No.: 11/999,179
Filing Date: December 4, 2007
Title: THERMAL CYCLE FOR AUTOMATIC PERFORMANCE OF THE POLYMERASE CHAIN REACTION WITH CLOSE TEMPERATURE CONTROL
Attorney Docket No.: 5010-141-05
Pub. No.: US 2008/0299651 A1
Pub. Date: December 4, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on March 10, 2009, and again on January 6, 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

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: 01/11/2010 KKING1
03/02/2009 INTEFSW 00003311 11999179
01 FC:1504 -300.00 DP

Refund Ref:
01/11/2010 0030078686

Credit Card Refund Total: $300.00

VISA....: XXXXXXXXXXXX0251

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SUITE 360
ENCINO CA 91436

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OFFICE OF PETITIONS

In re Application of
SCHULZE, Ted W.
Application No. 11/999,210
Filed: December 03, 2007
Attorney Docket No. **23022-001**

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 June 18, 2008.

The request is **NOT APPROVED**.

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

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

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

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37

CFR 10.40(c). The reasons set forth in the request, [no longer with firm], does not meet any of the conditions set forth in 37 CFR 10.40.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PATEL & ALUMIT PC**
16830 VENTURA BLVD.
SUITE 360
ENCINO CA 91436

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of :
Zheng :
Application No. 11/999,225 : ON PETITION
Filing Date: December 3, 2007 :
Atty. Dkt. No.: 852.0044.U2(US) :

This is a decision on the petition filed February 8, 2008, requesting that the above-identified application be accorded a filing date of December 3, 2007 with Figures 4 and 5 as part of the application papers originally filed.

The application was filed December 3, 2007. On January 9, 2008, the Office of Initial Patent Examination mailed a Notice to File Corrected Application Papers ("Notice"). The Notice indicated, *inter alia*, that the application had been accorded a filing date but that Figures 4 and 5 appeared to have been omitted from the application papers as filed.

The Notice further advised applicant on how to petition for a date of deposit of the omitted items; how to petition for a later filing date; and how to accept the application as deposited.

Petitioner argues that the application as deposited included Figures 4 and 5. Petitioner has included a copy of a postcard date stamped by the USPTO on December 3, 2007. As far as the drawings are concerned, the postcard indicates receipt of four pages of drawings.

A review of the record reveals that the USPTO did receive four pages of drawings, as indicated by the postcard. Figures 4 and 5 are not among the drawing figures received.

The drawing page labeled "Replacement Sheet 2/4" contains Figures 2A, 2B, and 2C.

The three remaining drawing sheets are not numbered. The first page of the four pages of drawings received contains Figures 1A,

1B, and 1C. The second page of the four pages of drawings received contains Figures 2A, 2B, and 2C. The third page of the four pages of drawings received contains Figures 3 and 6.

Petitioners have failed to establish that Figures 4 and 5 were submitted with the application papers on December 3, 2007.

In view thereof, Figures 4 and 5 will not be entered into the record. To avoid delays in prosecution, applicant should promptly submit an amendment to the application, deleting references to Figures 4 and 5 prior to the mailing of the first Office action on the merits.

If petitioner desires to have Figures 4 and 5 considered, a petition for a later filing date that includes an amendment to this effect, along with a newly executed oath or declaration covering Figures 4 and 5 should be promptly submitted.

If this application contains 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, petitioners may wish to consider filing a petition under 37 CFR 1.57 (a) to add inadvertently omitted material to the above-identified application. Such a petition should be directed to the Technology Center.

For the reasons set forth herein, the petition is hereby **DISMISSED**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

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

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

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

By hand: Customer Service Window
Randolph Building

401 Dulany Street
Alexandria, VA 22314

This application is being forwarded to the Office of Patent Application Processing with a filing date of December 3, 2007 **without** Figures 4 and 5 entered into the record.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Venkatachalam, et al :
Application No. 11/999,228 : DECISION ON
Filed: December 4, 2007 : PETITION
Attorney Docket No. 112020.143US4 :

This is in response to the petition to revive under 37 CFR 1.137(a), or in the alternative under 37 CFR 1.137(b), filed October 15, 2008.

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

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

The above-identified application became abandoned for failure to timely file a response to the Notice to File Missing Parts mailed January 8, 2008. This Notice set an extendable period for reply of three months to submit an oath or declaration, together with a surcharge for its late filing. No reply having been received, the application became abandoned on March 9, 2008. The Office mailed a Notice of Abandonment on September 18, 2008.

Petition Under 37 CFR 1.137(a):

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner states that he prepared a response and uploaded it to the USPTO electronic submission system on February 25, 2008. In support thereof, petitioner has included a copy of receipt. However, petitioner states that the electronic submission was not successfully electronically processed for reasons unknown to Applicants.

Petitioner's argument has been considered, but is not persuasive. The receipt submitted by petitioner indicates that a submission was uploaded for later submission, but cautions that a submission "has not been filed officially at the USPTO until the e-filer executes the Confirm & Submit function...." There is nothing in the record to indicate that Applicant error was not the reason the submission was not transmitted sucessfully.

Receipt of the fee for the petition under 37 CFR 1.137(a) is acknowledged. The petition fee required for a petition to revive is required for the filing, not merely the grant, of the petition.[3]

---

[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

[3] See MPEP 711.03(c)(II)(B).

Petition Under 37 CFR 1.137(b):

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).

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 an executed declaration and the surcharge for its late filing.

The $1620 fee for the petition under 37 CFR 1.137(b) has been charged to Deposit Account No. 08-0219, as authorized.

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

BUHLER ASSOCIATES
KIRK A. BUHLER
1101 CALIFORNIA AVE.
SUITE 208
CORONA, CA 92881

In re Application of :
Rodolfo Garcia, et al. :
Application No. 11/999,281 : DECISION ON PETITION
Filed: December 6, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. RG01-02U : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 17, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of applicant Rodolfo Garcia's drivers license. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

April M. Wise
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
TAHERI et al. :
Application No. 11/999,296 : ON PETITION
Filed: December 4, 2007 :
Attorney Docket No. 39,000-01 :

This is a decision on the petition under 37 CFR 1.47(a), filed May 8, 2008, which is properly treated as a petition under 37 CFR 1.183 seeking waiver of 37 CFR 1.67 and 1.63 where they require that a supplemental declaration be executed by the named inventors,[1] and a petition under 37 CFR 1.53(e), to accorded the above-identified application a filing date of December 4, 2007.

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

The petition under 37 CFR 1.183 is **DISMISSED AS MOOT**.

On December 4, 2007, applicants deposited the above-identified application. On January 11, 2008, the Office mailed a Notice of Incomplete Nonprovisional Application (Notice), stating that the application was deposited without drawings and that the filing date would be the date of receipt of the omitted drawings.

On February 11, 2008, applicants filed a "RESPONSE TO INCOMPLETE NONPROVISIONAL APPLCIATION," accompanied by five sheets of drawings. Applicants asserted that the drawings were originally filed in the parent application and did not add new matter. Additionally, applicants stated that newly executed oath or declaration was not required.

On March 10, 2008, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, stating that the oath or declaration did not cover the newly submitted items and requiring the

[1] Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

submission of a $130.00 surcharge. Additionally, the Office mailed a Filing Receipt according the application a filing date of February 11, 2008, the date applicants submitted the drawings.

On May 8, 2008, applicants filed a petition under 37 CFR 1.47(a), a Declaration of Facts, an authorization to charge necessary fees to the Deposit Account, and a supplemental declaration signed by only Hassan Taheri, one of the three joint inventors. In the petition, applicants asserted that they were unable to obtain the signatures of the other two joint inventors on the supplemental declaration submitted on May 8, 2008.

Petition under 37 CFR 1.53(e):

As stated in MPEP § 601.01(f), 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 an understanding of the invention under 35 U.S.C. 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description and the names of all the inventors.

This application contains process claims. Therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g). MPEP § 601.01(g) states that if an application is filed without all of the drawing figure(s) referred to in the specification, a "Notice of Omitted Item(s)" is mailed indicating that the application has been accorded a filing date, but is lacking some of the figures of drawings described in the specification.

In view of the above, the requirement for drawings as set forth in the Notice of Incomplete Nonprovisional Application, mailed January 11, 2008, was sent in error. Moreover, the Office incorrectly accorded the application a filing date of February 11, 2008. Therefore, the filing date for the above-identified application will be corrected to December 4, 2007, with no drawings as part of the original disclosure. Applicants may file an amendment with the examiner prior to the first action on the merits requesting entry of the five sheets of drawings. The Office notes that new matter is a determination for the examiner.

Petition under 37 CFR 1.183

The Office notes that a newly executed oath or declaration is not needed where the original application papers are entitled to a filing date and the applicant request that the application be accorded the original filing date. Therefore, the Notice to File Missing Parts of Nonprovisional Application of March 10,

2008, was sent in error and is hereby withdrawn. Nevertheless, the Office notes that the copy of the declaration from the parent application submitted in the instant application on December 4, 2007, lacks the signature of joint inventor Curtis D. Dickinson. Instead, the declaration is signed by joint inventors Taheri and Jacobson on behalf of inventor Dickinson. After reviewing the record of parent application No. 09/920,981, it appears that inventor Dickinson executed a declaration in that application on July 3, 2002. Therefore, in the instant application, applicants must either: (1) submit a copy of the declaration from the parent application, which was signed by inventor Dickinson, or (2) file a petition under 37 CFR 1.47(a)[2] because the declaration on filing is missing the signature of inventor Dickinson.

No petition fees have been charged.

This matter is being referred to the Office of Patent Application Processing to accord the instant application a filing date of **December 4, 2007, with "0" sheets of drawings**, and to mail a corrected filing receipt. The five sheets of drawings submitted on February 11, 2008, will not be entered at this time.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

[2] A petition under 37 CFR 1.47(a) is the appropriate remedy when the original declaration is executed by all available inventors but is missing the signature of one inventor.

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OFFICE OF PETITIONS

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

In re Application of :
Stuart Kevin Imai :
Application No. 11/999,313 : DECISION GRANTING PETITION
Filed: December 3, 2007 :
Attorney Docket No. 61009/E362 :

This is a decision on the petition filed April 29, 2008, under 37 CFR 1.10(c) requesting that the above-cited application be accorded a filing date of December 3, 2007, rather than the presently accorded filing date of December 5, 2007.

Petitioner alleges that the application was deposited with the United States Postal Service, Express Mail Service on December 3, 2007. In support of the allegation, the petition is accompanied by a copy of the Express Mail receipt with a tracking number EV826264995US. It is noted that the "date-in" on the Express Mail receipt is not legible. The undersigned accessed the tracking information for the Express Mail package from the United States Postal Service and confirmed that the Express Mail package was received by the United States Postal Service on December 3, 2007. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on December 3, 2007.

In view of the above, the petition is granted. The new filing date for the above-cited application is December 3, 2007.

The Office of Patent Application Processing will further process the application with a filing date of December 3, 2007, and issue a corrected filing receipt.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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SEP 25 2008

OFFICE OF PETITIONS

In re Application of :
Kondo, et al. :
Application No. 11/999,348 : DECISION
Filed/Deposited: 5 December, 2007 :
Attorney Docket No. 0671.79483 :

This is a decision on the petition filed on 31 January, 2008, seeking a filing date of 5 December, 2007, for pages 16 – 27 of the specification (description, claims, abstract) , and properly considered under 37 C.F.R. §1.53.

The Office regrets the delay in addressing the matter—the petition was presented to the attorneys in the Office of Petitions only at this writing.

For the reasons set forth below, the petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 5 December, 2007.

On 21 December, 2007, the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) mailed a Notice of Omitted Items, and indicated therein that the application had been accorded a filing date, but without pages 16 – 27 of the specification (description, claims, abstract).

Thus, the application had been accorded a filing date, but without the pages stated.

OPAP indicated that Petitioner might:

- contend via petition that the pages were present upon deposit, and so evidence that condition with the proper supporting documentation (i.e., a date stamped receipt card (see: MPEP §503)) along with a copy of the pages; or

- submit the pages and accept the date of that submission as the filing date; or
- accept the application as deposited.

OPAP set a two- (2-) month period for reply.

On 31 January, 2008, Petitioner submitted the instant petition, including therewith, *inter alia*, what is averred to be a true copy of the application, including therein pages 16 – 27 of the specification (description, claims, abstract) and averred to be present on deposit on 5 December, 2007, along with a copy of Petitioner's date-stamped ("120507") receipt card.

ANALYSIS

A search of the official file reveals that:

- on 5 December, 2007, Petitioner deposited the instant application;
- the Office record appears, as discussed hereinabove, to have reflected that the pages 16 – 27 of the specification (description, claims, abstract) were missing upon deposit;
- the date-stamped receipt card evidences—in pertinent part—the following:

***

patent application including 31 pp. spec, including 16 claims and an abstract * 17 sheets of formal drawings** (Emphasis supplied)

***

Because Petitioner's receipt card adequately itemized the contents of the application as to the elements deposited, it is concluded that the application, including 31 pages of specification (description, claims and abstract), with no duplicates, and 17 sheets of drawings, was deposited with the Office on 5 December, 2007, and pages 16 – 27 of the specification (description, claims, abstract) subsequently were misplaced in the Office.

Accordingly, the application, including 31 pages of specification, including pages 16 – 27 of the specification (description, claims and abstract) and 17 sheets of drawings, is entitled to a filing date of 5 December, 2007.

The Notice mailed 21 December, 2007, was sent in error to the extent that it reflected the omission of pages 16 – 27 of the specification (description, claims, abstract), and is hereby

vacated to the extent that it stated that the application was filed without pages 16 – 27 of the specification (description, claims, abstract).

CONCLUSION

The petition is **granted**; the petition fee waived and is being refunded *via* Treasury check—should Petitioner later find that a fee was not refunded, Petitioner should send a refund request to Office of Finance with a copy of this decision.

This application is released to OPAP for further processing with a filing date of 5 December, 2007, for the entire application including 31 pages of specification (description, claims and abstract) and 17 sheet s of drawings, with pages 1 - 31 of the specification (description, claims, abstract), and 17 sheets of drawings described in the specification, using:

- **pages 1 – 15 and 28 – 31 of the specification (description, claims abstract) and 17 sheets of drawings as described in the specification deposited on 5 December, 2007; and**

- **pages 16 – 27 of the specification (description, claims, abstract) deposited on 31 January, 2008; and further,**

with direction to OPAP to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 5 December, 2007, and reflecting therein that 31 pages of specification (description and claims) and 17 sheets of drawings were present on filing.

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[1]) 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

[1] The regulations at 37 C.F.R. §1.2 provide:1

§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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M.R. MIKKILINENI
1510, 44th St. NW
WASHINGTON, DC 20007

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APR 16 2008

OFFICE OF PETITIONS

In re Application of :
MIKKILINENI, Maheswar R. :
Application No. 11/999,349 : DECISION ON PETITION
Filed: December 05, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **237-1** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 21, 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 Maheswar R. Mikkilineni attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3735 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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M.R. MIKKILINENI
1510, 44th St. NW
WASHINGTON DC 20007

In re Application of:
MIKKILINENI, MAHESWAR R.
Serial No.: 11/999,349
Filed: Dec. 5, 2007
Docket: ICUMM.11C4C4CC1
Title: PRASANTI-LOKA (BLISS IN MIND) & METHOD TO TEACH

DECISION ON PETITION

This is a decision on the Petition for Suspension of Action received on Sep. 23, 2008, seeking to suspend action on the above-identified application for a period of six months. This petition is being considered pursuant to 37 CFR § 1.103(a)[1]. The requisite petition fee under 37 CFR § 1.17(g) was paid.

The petition is dismissed.

The record shows that:

1) On Jun. 26, 2008, the examiner issued a non-final Office action.
2) On Aug. 20, 2008; Aug. 25, 2008; Sep. 11, 2008; Sep. 16, 2008; Sep. 19, 2008; and Sep. 23, 2008, he applicant filed a series of communications between the examiner and the applicant regarding the outstanding Office action of Jun. 26, 2008.
3) On Sep. 23, 2008, the examiner mailed a confirmation of the telephone interview conducted on Sep. 19, 2008 and informed the applicant that the pending method claims involve merely mental steps and are unpatentable and nonstatutory under 35 USC 101. The outstanding rejections appear proper.
4) On Sep. 23, 2008, the applicant filed the current petition to request a suspension of action for six months under 37 CFR § 1.103(a). No response to the outstanding Office action was filed.

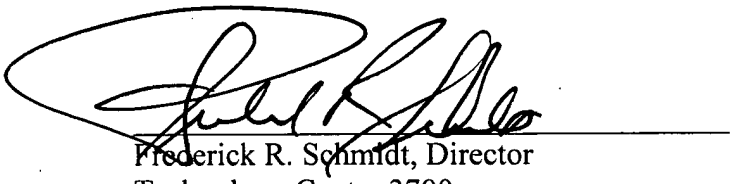
[1] 37 CFR 1.103. Suspension of action by the Office. (a) Suspension for cause . On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include: (1) A showing of good and sufficient cause for suspension of action; and (2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office

In the petition, the applicant alleges that the applicant needs to conduct a "sleep-study" to overcome the rejection under 35 USC 101 or to develop a design for a device a user can utilize in acquiring the process-skill. The applicant believes that this study and design development for a device constitute good and sufficient cause to justify a six-month suspension of action.

The reason for a six-month suspension of action is not convincing and could not justify a six-month delay in prosecution. The Office must balance the burden of timely examinations and needs of the public to know which claims it faces with the needs of applicants in pursuing claims which reflect the scope to which they are entitled. Applicant has failed to outline where he/she presently stands in the "sleep-study" and design development. The applicant also failed to establish why, in particular, a six-month suspension of action will advance the prosecution of the application. Accordingly, applicant has failed to establish good and sufficient reasons to delay the prosecution. Moreover, the Office will not suspend action if a reply by applicant to an Office action is outstanding. Therefore, the application remains in active status and being returned to the examiner for awaiting the applicant's response to the outstanding Office action mailed Jun. 26, 2009.

To avoid abandonment, the applicant must file a timely response to the outstanding Office action mailed Jun. 26, 2009 with proper extension of time. The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3735 for further process. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.



Frederick R. Schmidt, Director
Technology Center 3700

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OFFICE OF PETITIONS

In re Application of :
Lowrey :
Application No. 11/999,419 : ON PETITION
Filed: December 5, 2007 :
Attorney Docket No. 2024.84 :
For: METHOD AND APPARATUS FOR ACCESSING A PHASE-CHANGE MEMORY

This is a decision on the correspondence filed January 22, 2008 (certificate of mailing date January 17, 2008) requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed January 8, 2008. The petition will be treated under 37 CFR 182.

The petition under 37 CFR 1.182 is **dismissed**.

The application was filed on December 5, 2007. However, on January 8, 2008, the Office of Patent Application Processing mailed a Notice stating that the application had been accorded a filing date of December 5, 2007, and advising applicant that page 7 of the specification appeared to have been omitted.

In response, the present petition was filed, wherein petitioner states that the application was complete as filed and that due to a printing/formatting error that a blank page was inserted into the specification. There is a blank page with the number "7" at the bottom in the application file.

Therefore, the "Notice" mailed January 8, 2008, was correct in advising applicant that page 7 appeared to have been omitted. The "Notice" was properly mailed and will not be withdrawn. The petition fee is required, since the petition was not necessary to correct any PTO error.

Petitioner should promptly correct the page numbering of the application.

The application is being returned to the Office of Patent Application Processing further pre-examination processing with the presently accorded filing date of December 5, 2007.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DALE F. REGELMAN
QUARLES & BRADY, LLP
ONE SOUTH CHURCH AVENUE AVE, STE. 1700
TUCSON AZ 85701-1621

COPY MAILED

JUN 1 0 2008

OFFICE OF PETITIONS

In re Application of	:	
Dennis Weinhold	:	DECISION REFUSING STATUS
Application No. 11/999,452	:	UNDER 37 CFR 1.47(b)
Filed: December 4, 2007	:	
Attorney Docket No. PHASE III 06.01	:	

This is in response to the "Petition Under 37 CFR 1.47(b), filed May 8, 2008.

The petition is **DISMISSED**.

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

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

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

Applicant lacks item(s) (1), (2), (5) and (6) set forth above.

Pursuant to petitioner's request deposit account no. 17-0055 will be charged the $200.00 petition fee.

As to item (1), before a refusal can be alleged, applicant must demonstrate that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See MPEP 409.03(d). Petitioner states that a draft utility application was sent via e-mail to inventor Weinhold. The record is not clear that the draft consisted of specification, including claims, drawings, and oath or declaration. To the extent the application papers presented to the inventor included specification, including claims, drawings, and oath or declaration a statement to that effect should be provided.

As to item (2), the 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324.

Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

As to item (5), proprietary interest is usually found by establishing a) the invention has been assigned to applicant, or b) the inventor has agreed in writing to assign the invention to the applicant or c) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application. If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324). See MPEP 409.03(f). Petitioner needs to submit a statement under 37 CFR 3.73(b).

As to item (6), applicant has failed to provide a statement that the granting of rule 47 status is necessary to preserve the rights of the rule 47 applicant or prevent irreparable damage. See MPEP 409.03(h).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DALE F. REGELMAN
QUARLES & BRADY, LLP
ONE SOUTH CHURCH AVENUE AVE, STE. 1700
TUCSON AZ 85701-1621

COPY MAILED
SEP 22 2008

In re Application of	:	
Dennis Weinhold	:	DECISION GRANTING STATUS
Application No. 11/999,452	:	UNDER 37 CFR 1.47(b)
Filed: December 4, 2007	:	
Attorney Docket No. PHASE III 06.01	:	

This is in response to the petition under 37 CFR 1.47(b), filed August 11, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(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) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dennis Weinhold
2632 E. Amberwood Drive
Phoenix, Arizona 85048

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SEP 22 2008

In re Application of
Dennis Weinhold
Application No. 11/999,452
Filed: December 4, 2007
Attorney Docket No. PHASE III 06.01
For: Apparatus, Composition and Methods to Remediate
An Acid and/or Liquid

Dear Mr.Weinhold:

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) 272-3215. 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: DALE F. REGELMAN
QUARLES & BRADY, LLP
ONE SOUTH CHURCH AVENUE AVE, STE. 1700
TUCSON AZ 85701-1621

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

MAILED

MAY 06 2010

OFFICE OF PETITIONS

TERI G. ANDREWS
ATTORNEY AT LAW
1717 NW GRANT AVENUE
CORVALLIS OR 97330

In re Application of :
Wesley M. Strobel : DECISION ON PETITION
Application No. 11/999,468 :
Filed: December 4, 2007 :
Attorney Docket No. 07STRO01 :

This is a decision on the petition filed March 12, 2010, which is treated under 37 CFR 1.181 in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181(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 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned October 9, 2009, for failure to reply to the final Office Action mailed July 8, 2009, which set a three (3) month period for reply. No extensions of time having been filed, a Notice of Abandonment was mailed February 3, 2010.

Petitioner asserts that the Office Action mailed on July 8, 2009 was never received.

The file record discloses that the Office Action was mailed to what was believed to be the address of record, the same address to which the Notice of Abandonment was mailed. However, petitioner contends that it was not received.

The requirement under 37 CFR 1.181, is that petitioner review the docket records and submit copies of the actual docket records or file jacket to show non-receipt. That requirement has not been met. In a petition under 37 CFR 1.181 the petitioner must show, as in this instance where non-receipt is claimed that petitioner is without fault in

not receiving the communication and therefore could not respond timely. In the absence of any irregularity in the mailing, there is a strong presumption that the Office Action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received at the address of record.

While petitioner has provided statements from the United States Postal Service and others experiencing delays due to Post Service irregularities, petitioner has not shown that specifically, the mail in question was not received.

In view thereof, the holding of abandonment cannot be withdrawn.

ALTERNATIVE VENUES

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),[1] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

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

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

By FAX: (571) 273-8300

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JUN 20 2008

Mr. Karl Gifford
10565 Wynbridge Drive
Alpharetta GA 30022

In re Application of :
Gifford, et al. : DECISION ON PETITION
Application No. 11/999,492 :
Filed: December 5, 2007 :
For: METHOD OF USING FINELY :
STRANDED 32-56 GAUGE "LITZ :
WIRE" IN BOTH THE CONSTRUCTION :
OF THE MEGASONIC AMPLIFIER :
(INCLUDING BUT NOT LIMITED TO :
THE POWER TRANSFORMER AND THE :
OUTPUT FILTER MAGNETICS) AND :
THE INTERCONNECT CABLING FROM :
THE AMPLIFIER TO THE :
TRANSDUCER, UTILIZING :
FREQUENCIES ABOVE 500KHZ AND :
BEYOND, BUT NOT LIMITED TO :
THESE FREQUENCIES :

The instant application has been directed to the Office of Petitions for consideration of the communication filed March 10, 2008. This matter is being treated as a petition to accord the instant application a filing date December 4, 2007 rather than the presently accorded filing date of December 5, 2007.

The petition is **DISMISSED WITHOUT PREJUDICE**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The provisions of 37 CFR 1.33(b) state that "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§

1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

The instant petition is not signed in accordance with 37 CFR 1.33(b)(4). Accordingly, the petition has not been reviewed on the merits.

Any renewed petition and accompanying reply must be properly executed in accordance with 37 CFR 1.33 prior to treatment on the merits of the 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 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 matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Karl Gifford
10565 Wynbridge Drive
Alpharetta GA 30022

In re Application of Gifford, et al. Application No. 11/999,492 Filed: December 5, 2007 For: METHOD OF USING FINELY STRANDED 32-56 GAUGE "LITZ WIRE" IN BOTH THE CONSTRUCTION OF THE MEGASONIC AMPLIFIER (INCLUDING BUT NOT LIMITED TO THE POWER TRANSFORMER AND THE OUTPUT FILTER MAGNETICS) AND THE INTERCONNECT CABLING FROM THE AMPLIFIER TO THE TRANSDUCER, UTILIZING FREQUENCIES ABOVE 500KHZ AND BEYOND, BUT NOT LIMITED TO THESE FREQUENCIES	: DECISION ON PETITION

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SEP 22 2008

OFFICE OF PETITIONS

The instant application has been directed to the Office of Petitions for consideration of the communication filed June 25, 2008. This matter is being treated under 37 CFR 1.10(d) as a petition to accord the instant application a filing date December 4, 2007 rather than the presently accorded filing date of December 5, 2007.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to the Office of Patent Application Processing with the presently accorded filing date of December 5, 2007.

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail." Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on December 4, 2007, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of USPS "Express Mail" label No. EO941357967US and a copy of a USPS "Express Mail" "Click-N-Ship" label.

A grantable petition under 37 CFR 1.10(d) must include:

> (1) The filing of a petition promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Section 1.10(d) permits the Office to correct a USPS "date-in" error when the correspondence is deposited in an Express Mail drop box prior to the last scheduled pickup of the day; that is, the time clearly marked on the Express Mail drop box, including when the box will be cleared for the last time on the date of deposit. The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date in," or other official USPS notation, on the "Express Mail" mailing label. Note that the correspondence must be entrusted either to a postal service employee or an Express Mail drop box for the correspondence to have been deposited as Express Mail Post Office to Addressee service of the USPS within the meaning of 37 CFR 1.10(d). *See* Nitto Chemical Industry Co. Ltd. v. Comer, 39 USPQ 1778, 1781-82 (D.D.C. 1994). That is, consignment of Express Mail correspondence to a first class mail bin at the USPS does not properly entrust the correspondence to the custody of the USPS for purposes of 37 CFR 1.10.

The petition lacks item (3).

The copy of the USPS "Express Mail" label bearing Express Mail Label No. EO941357967US, the same "Express Mail" number shown on the application transmittal letter accompanying the instant application papers, does not bear a "date-in." The copy of the USPS "Express Mail" "Click-N-Ship" label does not bear a USPS "Express Mail" "date-in." The "Click-N-Ship label does reference "12/4/07." However, the mere reference to the desired filing date does not in and of itself establish that the package bearing Express Mail Label No. EO94157967US was accepted into USPS "Express Mail" service on December 4, 2007.

In deed, independent research reveals that the package containing USPS Express Mail Label No. EO941357967US was accepted into USPS Express Mail Service on December 5, 2007 at 12:56pm in Duluth, Georgia 30096 and that electronic shipping information concerning the package was received on in Alpharetta, Georgia 30022 on December 4, 2007 at 7:32pm. Conveying electronic shipping information concerning a USPS Express Mail package to the USPS is not considered depositing a package into USPS Express Mail service within the meaning of 37 CFR 1.10.

In view thereof, petitioner has failed to establish that the application papers were deposited on a date other than the date accorded by the Office, or, December 5, 2007.

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

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450

Alexandria, VA 22313-1450

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

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

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure

Brown, Alesia

From: U.S._Postal_Service_ [U.S._Postal_Service@usps.com]
Sent: Friday, September 05, 2008 3:00 AM
To: Brown, Alesia
Subject: U.S. Postal Service Track & Confirm email Restoration - EO94 1357 967U S

This is a post-only message. Please do not respond.

alesia brown has requested that you receive this restoration information for Track & Confirm as listed below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: EO94 1357 967U S

Service Type: Express Mail - Post Office to Addressee

Shipment Activity	Location	Date & Time
Delivered	ALEXANDRIA VA 22313	12/06/07 9:40am
Arrival at Unit	DULLES VA 20102	12/06/07 7:10am
Acceptance	DULUTH GA 30096	12/05/07 12:56pm
Electronic Shipping Info Received 12/04/07 7:32pm Electronic Shipping	ALPHARETTA GA 30022	

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at http://www.usps.com/shipping/trackandconfirmfaqs.htm

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/999,499	12/04/2007	Hwa-Seong Nam	1235-479	8801

7590 11/26/2008

THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE, NY 11553

EXAMINER	
BOST, DWAYNE D	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/26/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Refund Ref:
11/28/2008 0030063977

Credit Card Refund Total: $930.00

Am Exp..: XXXXXXXXXXX1011

Adjustment date: 11/28/2008 NFARMER
03/11/2008 INTEFSW 00001630 11999499
02 FC:1111 -510.00 OP
04 FC:1201 -420.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/999,548	12/05/2007	Robert H. Kincaid	10070139-1	8966

7590 12/14/2009

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

EXAMINER	
WU, XIAO MIN	
ART UNIT	**PAPER NUMBER**
2628	
NOTIFICATION DATE	**DELIVERY MODE**
12/14/2009	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.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MALLOY & MALLOY, P.A.
2800 S.W. THIRD AVENUE
HISTORIC CORAY WAY
MIAMI, FL 33129

COPY MAILED

FEB 14 2008

OFFICE OF PETITIONS

In re Application of :
Susan Embler, et al. :
Application No. 11/999,571 : DECISION ON PETITION
Filed: December 7, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 1.620.07 : 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 statement signed by applicant Kenneth Embler. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being referred to the Office of Patent Application Papers for pre-examination processing. This application will be accorded "special" status once pre-examination processing is complete.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

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SEP 0 2 2008

OFFICE OF PETITIONS

Kevin E. McVeigh
RHODIA INC.
8 Cedar Brook Drive (CN 7500)
Cranbury NJ 08512-7500

In re Application of	:	
Xiadong Wu et al.	:	
Application No. 11/999,590	:	DECISION ON PETITION
Filed: December 6, 2007	:	PURSUANT TO
Attorney Docket No. RD 06023	:	37 C.F.R. § 1.78(A)(6)
Title: ABRASION RESISTANT TWO-COMPONENT WATERBORNE POLYURETHANE COATINGS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(6), filed August 1, 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment to the specification.

The petition is **DISMISSED AS MOOT**.

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. While a reference to the prior-filed nonprovisional and provisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the declaration filed with the application.

Where a claim for priority under 37 C.F.R. § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a

transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 C.F.R. §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 C.F.R. §§ 1.78(a)(3) and 1.78(a)(6).[1] In the present case, the Office noted the claim for priority to the prior-filed applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

In view of the above, the petition fee is unnecessary and has not been charged to Petitioner's Deposit Account.

The application is being forwarded to Technology Center AU 1796 for appropriate action on the amendment filed August 1, 2008, including consideration by the examiner of the claim under 35 U.S.C. § 119(e) for the benefit of priority to the prior-filed provisional application.

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

Anthony Knight
Supervisor
Office of Petitions

1 *Note* MPEP § 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

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

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Carter, Deluca, Farrell & Schmidt, LLP
445 Broad Hollow Road
Suite 420
Melville, NY 11747

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of :
Roger J. Talish et al. :
Application No. 11/999/613 : DECISION ON PETITION
Filed: December 6, 2007 : TO WITHDRAW
Attorney Docket No. 1429.67 : FROM RECORD
:

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

The request is **NOT APPROVED**.

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

The request cannot be approved because attorneys for this application were not appointed to customer number 50855.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. A courtesy copy will be mailed to the address noted on the request to withdraw. If this firm would like to receive future correspondence regarding this application, the proper power of documents must be submitted.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Juvent, Inc.
300 Atrium Drive
Suite 210
Somerset, NJ 08873

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Alexandria, VA 22313-1450
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Carter, Deluca, Farrell & Schmidt, LLP
445 Broad Hollow Road
Suite 420
Melville, NY 11747

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APR 23 2009

OFFICE OF PETITIONS

In re Application of :
Roger J. Talish et al. :
Application No. 11/999,613 : DECISION ON PETITION
Filed: December 6, 2007 : TO WITHDRAW
Attorney Docket No. 1429.67 : 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 April 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. 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 R. David M. Carter on behalf of attorney/agents associated with customer number 31554. All attorneys/agents associated with customer number 31554.

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, since no assignee has properly intervened in this application. 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 power of attorney documents and a Statement under 37 CFR 3.73(b) must be submitted.

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

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Roger J. Talish
5 Harman Court
Hillsborough, NJ 08844

cc: Juvent, Inc.
300 Atrium Drive, Suite 210
Somerset, NJ 08873

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/999,613	12/06/2007	Roger J. Talish	1429-67

CONFIRMATION NO. 9641

POWER OF ATTORNEY NOTICE

31554
CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE, NY 11747

Date Mailed: 04/23/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/09/2009.

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

/kainabinet/

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

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SHELTON CT 06484-6212

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OFFICE OF PETITIONS

In re Application of :
Kari Vigelius :
Application No. 11/999,629 : ON PETITION
Filed: December 6, 2007 :
Attorney Docket No. :
019B.0034.U1(US)

This is a decision on the petition to revive under 37 CFR 1.137(a), filed October 24, 2008.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts mailed January 9, 2008. This Notice set an extendable period for reply of two (2) months. No reply having been received, the application became abandoned on March 10, 2008. A Notice of Abandonment was mailed on September 17, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner states that he did not receive the January 9, 2008 Notice to File Missing Parts. To establish non receipt of an office action, a 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.[3]

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[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

[3] MPEP 711.03(c)(II) (emphasis added).

Accordingly, on renewed petition, petitioner should submit a copy of a master docket report showing all replies docketed for a due date of March 9, 2008. The evidence submitted on petition is only a computer print-out of the file jacket. If no such master docket report exists, petitioner should so state for the record.

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Receipt of the $540 petition fee and $130 surcharge is acknowledged.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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HARRINGTON & SMITH PC
4 RESEARCH DRIVE SUITE 202
SHELTON CT 06484-6212

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OFFICE OF PETITIONS

In re Application of :
Kari Vigelius :
Application No. 11/999,629 : ON PETITION
Filed: December 6, 2007 :
Attorney Docket No. :
019B.0034.U1(US)

This is a decision on the renewed petition to revive under 37 CFR 1.137(a), filed April 7, 2009.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts mailed January 9, 2008. This Notice set an extendable period for reply of two (2) months. No reply having been received, the application became abandoned on March 10, 2008. A Notice of Abandonment was mailed on September 17, 2008. Applicant filed a petition to revive under 37 CFR 1.137(a) on October 24, 2008, asserting that he did not receive the Notice to File Missing Parts. However, the petition was dismissed in a decision mailed on November 10, 2008. The decision pointed out that applicant had not submitted a copy of a master docket report, showing all of his replies docketed for a due date of March 9, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. The instant petition lacks item (3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Moreover, delay resulting from the lack of knowledge or improper application of the patent statutes, rules of practice or the Manual of Patent Examining Procedure, however, does not constitute "unavoidable" delay.[2]

With regards to item (3), petitioner states that he has submitted a copy of a master docket report, showing all of his replies docketed for a due date of March 9, 2008. However, a review of the docket report indicates that it does not show all of petitioner's replies docketed for a due date of March 9, 2008. Rather, the docket report shows 14 applications arranged in numerical order by Case Number. It is not apparent from reviewing this report how the firm can track cases and determine when a response is due in any application.

Accordingly, on renewed petition, petitioner should submit a copy of a master docket report showing all of the firm's replies docketed for a due date of March 9, 2008. If no such master docket report exists, petitioner should so state for the record, and submit other evidence such as, but not limited to: the

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[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

[2] See Haines, 673 F. Supp. at 317, 5 U.S.P.Q. 2d at 1132; Vincent v. Mossinghoff, 230 U.S.P.Q. 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 U.S.P.Q. 1091 (D.D.C. 1981); Potter v. Dann, 201 U.S.P.Q. 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.[3]

Alternative Venue and Other Matters:

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Receipt of the $1100 fee for the three month extension of time is acknowledged.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

[3] MPEP 711.03(c)(II).

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SHELTON CT 06484-6212

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OFFICE OF PETITIONS

In re Application of :
Kari Vigelius :
Application No. 11/999,629 : ON PETITION
Filed: December 6, 2007 :
Attorney Docket No. :
019B.0034.U1(US)

This is a decision on the renewed petition to revive under 37 CFR 1.137(a), filed May 12, 2009.

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

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts mailed January 9, 2008. This Notice set an extendable period for reply of two (2) months. No reply having been received, the application became abandoned on March 10, 2008. A Notice of Abandonment was mailed on September 17, 2008. Applicant filed a petition to revive under 37 CFR 1.137(a) on October 24, 2008, asserting that he did not receive the Notice to File Missing Parts. However, the petition was dismissed in a decision mailed on November 10, 2008. The decision pointed out that applicant had not submitted a copy of a master docket report, showing all of his replies docketed for a due date of March 9, 2008. Applicant filed a renewed petition on April 7, 2009, which was again dismissed in a decision mailed on May 4, 2009.

With the instant petition, petitioner has satisfactorily explained his system for keeping track of correspondence. In addition, petitioner has submitted a copy of a master docket report, showing all of his replies docketed for a due date of March 9, 2008. An entry for the instant application does not appear, supporting the conclusion that the January 9, 2008 Notice to File Missing Parts was not received.

The application is being forwarded to the Office of Patent Application Processing for re-mailing of the January 9, 2008 Notice to File Missing Parts, setting a new period for reply.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Atsushi Yonetani	: DECISION ON REQUEST FOR
Patent Number	: 7663807	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/999,644	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Date: 04/20/09

Patent No. : 7503788 B2
Ser. No. : 11/999,666
Inventor(s) : HOLTERHOFF, KLAUS
Issued : 03/17/09
Title : **ELECTRICAL PLUG-IN CONNECTOR**
Docket No. : **19865**

Re: Request for Certificate of Correction

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

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

By fax: (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.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703) 308-9390 #112

LAUBSCHER & LAUBSCHER, P.C.
1160 SPA ROAD
SUITE 2B
ANNAPOLIS MD 21403

LMN

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OFFICE OF PETITIONS

In re Patent No. 7,503,788 :
Issue Date: March 17, 2009 :
Application No. 11/999,666 : DECISION ON PETITION
Filed: December 06, 2007 :
Attorney Docket No. 19865 :

This is a decision on the petition, filed, April 24, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The request is **GRANTED**.

Petitioner states that the assignee's names are "Weidmuller Interface GmbH & Co. KG (50% interest), Detmold, Germany" and "Rockwell Automation Technologies, Inc. (50% interest), Mayfield Heights, Ohio 44124" and that the assignee's name was not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Weidmuller Interface GmbH & Co. KG (50% interest), Detmold, Germany" and "Rockwell Automation Technologies, Inc. (50% interest), Mayfield Heights, Ohio 44124" are the assignees of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

Thurman Page
Petitions Examiner
Office of Petitions

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MERCK AND CO., INC
P O BOX 2000
RAHWAY NJ 07065-0907

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APR 16 2008

OFFICE OF PETITIONS

In re Patent of	:	
Anthony et al.	:	
Application No. 11/999686	:	DECISION
Filing or 371(c) Date: 12/06/2007	:	ON PETITION
Attorney Docket Number:	:	
22331Y	:	

This is a decision on the "Petition for Date of Deposit," filed February 26, 2008, requesting the application be accorded a filing date of December 6, 2007, including pages 23-27 of the specification. The petition is properly treated under 37 CFR 1.182.

The petition is **granted**.

Background

The application was filed on December 6, 2007. On February 14, 2008, the Office of Patent Application Processing (OPAP) mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, pages 23-27 of the specification appeared to have been omitted from the application.

The present petition

Applicant files the present petition and avers that pages 23-27 of the specification were included among 152 pages of the application filed on December 6, 2007. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of a 152 page application by this Office on December 6, 2007.

Applicable Law, Rules and MPEP

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

The copy of pages 23-27 of the specification, filed with the present petition, will be used for examination purposes.

The petition fee has been refunded to Petitioner's deposit account as authorized in the present petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 6, 2007, and an indication that pages 23-27 of the specification were included with the application papers filed on December 6, 2007, using the copy of pages 23-27 of the specification filed with the present petition.

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

Derek L. Woods
Attorney
Office of Petitions

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JAMES RAY CRAWFORD
3654 BOUNDARY STREET
SAN DIEGO, CA 92154

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MAR 13 2008

OFFICE OF PETITIONS

In re Application of :
Juan A. HEYER, et al :
Application No. 11/999,719 :
Filed: December 6, 2007 :
Attorney Docket No. :

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

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

The petition is **DISMISSED as moot.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required.

This is also a decision on the petition under 37 CFR 1.102(c)(1), filed December 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 statement signed by the applicants. 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 of Initial Patent Examining for processing. This application will be accorded "special" status when pre-examination processing is done.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAMES RAY CRAWFORD
3654 BOUNDARY STREET
SAN DIEGO, CA 92154

In re Application of	:	
Juan A. HEYER	:	
Application No. 11/999,719	:	DECISION ON PETITION
Filed: December 6, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

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

The petition is **GRANTED**.

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

The instant petition includes a copy of Applicant James R. Crawford driver's license. Accordingly, the above-identified application has been accorded "special" status.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082

MAILED

APR 19 2010

OFFICE OF PETITIONS

In re Application of :
Joseph J. Talghader :
Application No.: 11/999,739 : ON PETITION
Filed: December 6, 2007 :
Attorney Docket No.: UMN0003/US :

This is a decision on the petition, filed April 16, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 18, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The application is being referred to Technology Center AU 2884 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091005

DATE : October 05, 2009

TO SPE OF : ART UNIT 3764

SUBJECT : Request for Certificate of Correction on Patent No.: 7578771

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:

/LoAn H. Thanh/
Supervisory Patent Examiner, Art Unit 3764

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650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

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JUL 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Trinklein et al.	:	DECISION ON PETITION
Application No. 11/999,792	:	TO WITHDRAW
Filed: December 6, 2007	:	FROM RECORD
Attorney Docket No. 33102-702.201	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed June 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 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 Anavelys Ortiz-Suarez on behalf of all attorneys of record who are associated with Customer No. 21971.

All attorneys/agents associated with Customer Number 21971 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

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

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: SwitchGear Genomics
The Quine Intellectual Property Law Group, P.C.
2033 Clement Ave., #200
Alameda CA 94501

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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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Boris Adam	: DECISION ON REQUEST FOR
Patent Number	: 7568393	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/999,798	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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PATENT LAW & VENTURE GROUP
2424 S.E. BRISTOL, SUITE 300
NEWPORT BEACH CA 92660

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MAR 03 2008

In re Application of	:	
Robert P. Colelli et al.	:	
Application No. 11/999,802	:	DECISION ON PETITION
Filed: December 7, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. Colell.R-02US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 7, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3651 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GOODWIN PROCTER, LLP
ATTN: PATENT ADMINISTRATOR
135 COMMONWEALTH DRIVE
MENLO PARK, CA 94025-1105

MAILED

SEP 22 2009

OFFICE OF PETITIONS

In re Application of :
Johnny Chen :
Application No. 11/999,824 : DECISION ON PETITION
Filed: December 6, 2007 :
Attorney Docket No. WEC 0005 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 5, 2009, to revive the above-identified application.

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.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed January 9, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five (5) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 11, 2008.

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

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

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 $1175 extension of time fee submitted with the petition on August 5, 2009 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 undersigned at (571) 272-1642. All other inquiries concerning the examination or status of 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 Patent Application Papers for pre-examination processing of the reply received August 8, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAY 05 2010

OFFICE OF PETITIONS

In re Application of
Johnny Chen
Application No. 11/999,824
Filed: December 6, 2007
Attorney Docket No. WEC 0005

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 Goodwin Proctor, LLP has been revoked by the assignee of the patent application on February 24, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: WILLIS ELECTRIC CO., LTD.
6F, 2SHUN-AN STREET
SINDIAN CITY TAIPE COUNTY 231
TAIWAN

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
11/999,824	12/06/2007	Johnny Chen	WEC 0005

CONFIRMATION NO. 9855

POWER OF ATTORNEY NOTICE

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

OC000000041374766

Date Mailed: 04/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/24/2010.

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

/atesfai/

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

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HARRINGTON & SMITH, PC
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

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JAN 08 2009

OFFICE OF PETITIONS

In re Application of :
MAENPAA, JANI CHRISTIAN :
Application No. 11/999,841 : ON PETITION
Filing Date: 12/07/2007 :
Attorney Docket No. :
879A.0116.U1(US) :

This is a decision on the petition under 37 CFR 1.137(a), filed on October 6, 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(a)." This is not a final agency decision.

This application became abandoned on March 9, 2008, for failure to timely file a response to the Notice to File Missing Parts of Nonprovisional Application mailed on January 8, 2008, which set an extendable period of two months to reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. A Notice of Abandonment was mailed on September 17, 2008.

Petitioner asserts unavoidable delay in that the Notice to File Missing Parts of Nonprovisional Application, mailed January 8, 2008, was never received.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed.

(2) the petition fee as set forth in § 1.17(l);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

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

This petition lacks item (3) above.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail

---

[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."

or facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[2]

With regards to the assertion that the Office communication was not 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).
>
> 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

---

[2] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

> 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).

The petition must be dismissed because petitioner has not provided a copy of the master docket report showing all replies docketed for a date two months from the mail date of the non-received Notice to File Missing Parts of Nonprovisional Application. Furthermore, petitioner did not describe the system used for docketing an Office action received at the correspondence address of record or that the docketing system is sufficiently reliable.

A copy of the master docket report showing all replies docketed for a date two months from the mail date of the non-received Notice to File Missing Parts of Nonprovisional Application must be submitted as documentary proof of non-receipt of the Office communication. 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 can provide a showing, as described above, that the Notice to File Missing Parts of Nonprovisional Application, mailed January 8, 2008, was not received, petitioner should file a renewed petition under 37 CFR 1.137(a), accompanied by such proof of non-receipt of the Office communication.

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay.[3] Moreover, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action.[4]

As the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a), the petition will be dismissed.

ALTERNATIVE VENUE

If petitioner is unable to provide the information above, petitioner may wish to consider filing a petition under 37 CFR 1.137(b).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(2) The petition fee as set forth in § 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 § 1.20(d)) required pursuant to 37 CFR 1.137(d).

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

---

[3] Id.

[4] 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).

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

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

HARRINGTON & SMITH, PC
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

In re Application of :
MAENPAA, JANI CHRISTIAN :
Application No. 11/999,841 : ON PETITION
Filing Date: 12/07/2007 :
Attorney Docket No. 879A.0116.U1(US) :

This is a decision on the renewed petition under 37 CFR 1.137(a), filed on February 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on March 9, 2008, for failure to timely file a response to the Notice to File Missing Parts of Nonprovisional Application mailed on January 8, 2008, which set an extendable period of two months to reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. A Notice of Abandonment was mailed on September 17, 2008.

On renewed petition, petitioner has satisfied the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply; (2) the petition fee; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SAM R. MCCOY, JR
PO BO 2108
MOUNT PLEASANT, SC 29465

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In re Application of :
Todd Anthony Layt :
Application No. 11/999,870 : DECISION ON PETITION
Filed: December 19, 2009 :
Attorney Docket No. 20031207 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 2009, to revive the above-identified application.

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. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The application became abandoned for failure s to timely pay the issue and publication fees on or before September 21, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 19, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 22, 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 $595 and the publication fee of $300, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

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

April M. Wise
Petitions Examiner
Office of Petitions

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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DOW AGROSCIENCE, LLC.
9330 ZIONSVILLE ROAD
INDIANAPOLIS, IN 46268

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APR 07 2010

OFFICE OF PETITIONS

In re Application of
Joseph F. PETOLINO, *et al.*
Application No. 11/999,895
Filed: December 7, 2007
Attorney Docket No. **50518C US**

DECISION DISMISSING PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 10, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 10/024,070, filed December 18, 2001.

The petition is **DISMISSED**.

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

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

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment **does not comply with 37 CFR 1.121**, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made.

The phrase "...which was entitled to priority from U.S. Serial No. 60/072,944..." is not a proper claim for priority. An applicant must specifically claim benefit to a provisional application.

Before the petition can be granted, petitioner must submit a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(3).[1]

It is also noted that the statement of unintentional delay is improper. 37 CFR 1.178(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 language required by 37 CFR 1.137(b)(3), the petition can not be granted at this time.

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

By mail: Mail Stop PETITIONS
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Post Office Box 1450
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By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to Monica A. Graves at (571) 272-7253.

/Thurman K. Page/
Thurman K. Page
Petitions Examiner
Office of Petitions

[1] The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA-FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

Mail Date: 04/21/2010

Applicant	: Slobodan Pavlovic	: DECISION ON REQUEST FOR
Patent Number	: 7613003	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/999,930	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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PYLE & PIONTEK
221 N. LASALLE STREET
SUITE 1207
CHICAGO IL 60601

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OFFICE OF PETITIONS

In re Application of :
Wayne A. Damrau et al :
Application No. 11/999,944 : DECISION ON PETITION
Filed: December 7, 2007 :
Attorney Docket No. CPI-40101C :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 18, 2009 and resubmitted on March 20, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed June 12, 2008, is accepted as having been unintentionally delayed.

Petitioner should be aware that no terminal disclaimer is required for utility/plant applications filed on or after June 8, 1995.

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

This application is being referred to Technology Center AU 1792 for appropriate action by the Examiner in the normal course of business on the reply received with the petition.

Karen Creasy
Petitions Examiner
Office of Petitions

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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

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OFFICE OF PETITIONS

In re Application of	:	
Sinha et al.	:	DECISION ON PETITION
Application No. 11/999,957	:	TO WITHDRAW
Filed: December 7, 2007	:	FROM RECORD
Attorney Docket No. 070545-1502	:	

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.

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

A review of the file record indicates that on August 25, 2009 the power of attorney to Foley and Lardner LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Swiss Tanner, P.C.
P.O. Box 1749
Four Main Street, Suite 100
Los Altos CA 94022

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

Mail Date: 04/20/2010

Applicant	: Kazuma Shimizu	: DECISION ON REQUEST FOR
Patent Number	: 7663477	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/000,002	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **236** 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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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Takashi Iwasaki	: DECISION ON REQUEST FOR
Patent Number	: 7646239	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/000,003	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **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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Muncy, Geissler, Olds & Lowe, PLLC
P.O. Box 1364
Fairfax, VA 22038-1364

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OFFICE OF PETITIONS

In re Application of :
Martin Jeitner :
Application No. 12/000,017 : DECISION ON PETITION
Filed: December 6, 2007 : TO WITHDRAW FROM
Attorney Docket No. 1005/0131PUS1 : 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 September 3, 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 Martin Geissler on behalf of all attorneys/agents of record who are associated with customer No. 60601. Therefore, Martin Geissler and all the attorneys/agents associated with customer No. 60601 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

The request to change the correspondence of record is not acceptable[1] 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 continue to be directed to the above listed address until otherwise properly notified by the applicant.

There is an outstanding Office action mailed September 4, 2009 that requires a reply from applicant.

This application is being referred to Technology Center Art Unit 2878 to await a response to the Office action mailed September 4, 2009.

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Pre GmbH
An der Stadthalle
Bad Neustadt, D-97616 GERMANY

[1] The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (*See* USPTO Form PTO/SB/82).

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/000,017	12/06/2007	Martin Jeitner	1005/0131PUS1

CONFIRMATION NO. 9428

60601
Muncy, Geissler, Olds & Lowe, PLLC
P.O. BOX 1364
FAIRFAX, VA 22038-1364

POWER OF ATTORNEY NOTICE

Date Mailed: 09/30/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/03/2009.

- 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.

/amsmith/

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

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OFFICE OF PETITIONS

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

In re Application of	:	
Kenichi Dan	:	
Application No. 12/000,073	:	DECISION GRANTING PETITION
Filed: December 7, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 123328.01	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 23, 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 June 6, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 3653 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

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

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RALPH A. DOWELL OF DOWELL &
DOWELL P.C.
2111 EISENHOWER AVENUE
SUITE 406
ALEXANDRIA VA 22314

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In re Application of	:	
George Karl Knopf et al	:	
Application Number: 12/000,093	:	DECISION ON PETITION
Filing Date: December 7, 2007	:	
Attorney Docket Number:16212	:	

This is a decision on the petition filed February 27, 2008, entitled "PETITION TO GRANT THE FILING DATE AS THE DATE OF DEPOSIT".

The petition is **DISMISSED**.

The application was filed on December 7, 2007. However, on January 22, 2008, the Office of Patent Application Processing mailed a Notice TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION (Notice), stating that the application had been accorded a filing date of December 7, 2007, and advising applicant that Figure 1a described in the specification appeared to have been omitted.

In response, the present petition was filed on February 27, 2008. Petitioner explains that Figure 1a was not missing on December 7, 2007. Instead, petitioner states: "Attached hereto is a copy of sheet 1 of the drawings as filed. This sheet includes two drawing figures, however, only Fig. 1b is labeled. The remaining drawing figure on the sheet should have been labeled as Fig.1a, however, the figure description was inadvertently not placed on the drawing sheet."

Since the drawing of Figure 1a was simply unlabeled as a result of the applicant's filing error, the "Notice" mailed on January 22, 2008, was correct in stating that Figure 1a described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

Additionally, the new corrected drawing (note sheet one), submitted with the petition on February 27, 2008, is not an exact copy of the figures submitted on December 7, 2007, (note sheet one). **Therefore, the replacement drawing will be reviewed by the examiner for new matter.**

As the present petition was not necessitated by any error on the part of the Office, a petition fee of $400.00 is due. The application will be processed using only the application papers filed on December 7, 2007.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of December 7, 2007, using only the application papers filed on that date.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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Staas & Halsey, LLP
Suite 700
1201 New York Avenue, N.W.
Washington, DC 20005

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OFFICE OF PETITIONS

In re Application of :
Yoshitomo Kumagai :
Application No. 12/000,098 : DECISION GRANTING PETITION
Filed: December 7, 2007 :
Attorney Docket No. 1341.1574 :

This is a decision on the petition filed April 22, 2008, requesting that the above-identified application be accorded a filing date of December 7, 2007, with a drawing of Figure 31 as a part of the original disclosure.

The application was filed on December 7, 2007. However, on January 22, 2008, the Office of Patent Application Processing mailed a "Notice to File Missing Parts of Nonprovisional Application" stating that the application had been accorded a filing date of December 7, 2007, but that a drawing of Figure 31 described in the specification appeared to have been omitted.

In response, on April 22, 2008, 1 sheet of drawing containing Figure 31, among other items, and the present petition were filed. Petitioner argues that thirty one (31) sheets of drawings, including a drawing containing Figure 31, were filed on December 7, 2007. In support, a copy of applicant's postcard receipt was supplied on April 22, 2008. The postcard receipt shows an Office date stamp of December 7, 2007 and acknowledges receipt of 31 sheets of drawings containing Figures 1-32.

MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that 31 sheets of drawings containing Figures 1-32, were filed on December 7, 2007, and the sheet of drawing containing Figure 31 was subsequently misplaced in the Office. Therefore, the petition is granted.

The application will be processed and examined using the copy of Figure 31 supplied on April 22, 2008.

This application file is being referred to the Office of Patent Application Processing for further processing with a filing date of December 7, 2007.

Telephone inquiries specific to this matter should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

OIPE
APR 22 2008
PATENT & TRADEMARK OFFICE

Docket No.: 1341.1574

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yoshitomo KUMAGAI

Serial No. 12/000,098 Group Art Unit: 2825

Confirmation No. 8718

Filed: December 7, 2007 Examiner: To be assigned

For: CAD APPARATUS AND CHECK SUPPORT APPARATUS

PETITION TO HAVE DRAWINGS ENTERED

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In a Notice to File Missing parts dated January 22, 2008, the patent office asserted that the application is missing Figure 31, in which is described in the specification. Enclosed is a copy of the applicant's Utility Patent Application transmittal. It shows that the application contained 31 sheets of drawings including Figs. 1-32. Further enclosed is a postcard in which the patent office acknowledges that all 32 figures were received. It should also be noted that the application incorporates by reference U.S. application serial No(s) 11/902,940, 11/905,108, 11/905,315, 11/980,396.

Enclosed is additional copy of figure 31 for comparison purposes.

Because Figure 31 was filed with the application, it is submitted that no fee is required. However, the commissioner is authorized to charge any fee associated with this response, including a petition fee, to Staas & Halsey deposit account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Apr. 22 2008 By: _____
Mark J. Henry
Registration No. 36,162

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

MSH 1341.1574CIP

Missing Parts Due: 3/22/8

APR 22 2008

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
12/000,098	12/07/2007	Yoshitomo Kumagai	1341.1574

CONFIRMATION NO. 8718

FORMALITIES LETTER

21171
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

04/23/2008 SSITHIB1 00000035 12000098

01 FC:1011 310.00 OP
02 FC:1111 510.00 OP
03 FC:1311 210.00 OP
04 FC:1201 210.00 OP
05 FC:1051 130.00 OP

Date Mailed: 01/22/2008

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
  Applicant must submit $310 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) 31 described in the specification.

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. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO. **THIS TWO MONTH PERIOD IS EXTENDABLE UNDER 37 CFR 1.136(a) or (b).**

II. Petition for later filing date: Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of 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(f))* 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).**

STAAS & HALSEY
RECEIVED
JAN 24 2008

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.

(A) If applicant wants to accept the application as deposited without adding the subject matter that was in the omitted item (e.g., a missing page or figure), 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. For a missing page of the specification, a substitute specification including claims that amends the specification to renumber the pages consecutively and cancels any incomplete sentences, and a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125;
2. For a missing figure of the drawings, replacement drawing sheets in compliance with 37 CFR 1.121(d) to renumber the drawing figures consecutively (if necessary), a substitute specification excluding claims that amends the specification to cancel any references to any omitted drawing(s) and corrects the references in the specification to the drawing figures to correspond with any relabeled drawing figures, and a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125;
3. For a missing page of the claim listing only, a replacement claim listing with the claims renumbered consecutively or, if amendment to the claims is also necessary, then a complete claim listing in compliance with 37 CFR 1.121(c);
4. For a missing or unreadable compact disc, a substitute specification (excluding the claims) deleting the reference to the compact disc and the files contained on the compact disc, and a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125; and
5. For a missing or unreadable file submitted on a compact disc, (a) a substitute specification (excluding the claims) deleting the reference to the missing or unreadable file, and a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125; and (b) a replacement transmittal letter listing all of the files except the missing or unreadable file in compliance with 37 CFR 1.52(e)(3)(ii).

(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);
3. To add the subject matter in a missing page of the claim listing, a complete claim listing in compliance with 37 CFR 1.121(c) (e.g., a claim in the missing page should be submitted as a new claim);
4. To add the subject matter in a missing or unreadable compact disc, (a) a replacement compact disc and a duplicate copy of the compact disc, in compliance with 37 CFR 1.52(e); and (b) a statement that the replacement compact disc contains no new matter in compliance with 37 CFR 1.52(e)(4); and,
5. To add the subject matter in a missing or unreadable file submitted on a compact disc, (a) a replacement compact disc that contains all of the files listed in the specification including the missing or unreadable file and a duplicate copy of the compact disc, in compliance with 37 CFR 1.52(e); and (b) a statement that the replacement compact disc contains no new matter in compliance with 37 CFR 1.52(e)(4).

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.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **$210** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of **$130** for a non-small entity, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$1370** for a non-small entity

- **$310** Statutory basic filing fee.
- **$130** Surcharge.
- The application search fee has not been paid. Applicant must submit **$510** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **$210** to complete the examination fee for a non-small entity.
- Total additional claim fee(s) for this application is **$210**
  - **$210** for **1** independent claims over 3.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/lchau/

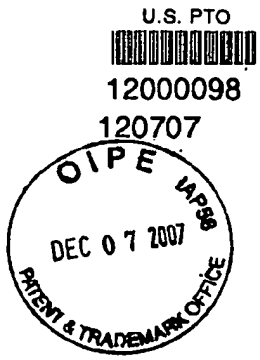
Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

PLEASE DATE STAMP AND RETURN

NEW CONTINUATION-IN-PART PATENT APPLICATION INCLUDING:

(1) Continuation-In-Part Patent Application Transmittal (2 pages) and Fee Transmittal (1pg);
(2) Specification, Claims, and Abstract (pages 1-50);
(3) Drawings (pages 1-31[Figs. 1-32]
(4) Information Disclosure Statement (2 pages), Form PTO-1449 (1pg) and Attachment 1(e) (1pg); and
(5) Preliminary Amendment (3 pages).
(6) No Fees Enclosed.

APPLICANT(S):	**Yoshitomo KUMAGAI**
TITLE:	**CAD APPARATUS AND CHECK SUPPORT APPARATUS**
FILING DATE:	**December 7, 2007**
DOCKET NO:	**1341.1574/MJH:csh**
DUE DATE:	**December 7, 2007**



PTO
APR 22 2008
PATENT & TRADEMARK OFFICE

S&H Form: PTO/SB/05 (2/02)

our form #

CONTINUING (1.53(b)) UTILITY PATENT APPLICATION TRANSMITTAL

(Only for continuing applications under 37 CFR 1.53(b))

Attorney Docket No.	1341.1574
First Named Inventor:	Yoshitomo KUMAGAI
Title:	*CAD APPARATUS AND CHECK SUPPORT APPARATUS*
Express Mail Label No.	

APPLICATION ELEMENTS
See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:
Commissioner for Patents
Box Patent Application
PO Box 1450
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form
2. ☒ Specification, Claims & Abstract..... [Total Pages: 50]
3. ☒ Drawing(s) *(35 USC 113)*..... [Total Sheets: 31] [FIGS. 1-32]
4. ☐ Oath or Declaration..... [Total Pages: 0]
   a. ☐ Newly executed (original or copy)
   b. ☐ Copy from a prior application (37 CFR 1.63(d))
5. ☐ This application is filed by fewer than all the inventors named in the prior nonprovisional application.
   a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
   b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
6. ☐ Verified Statement Claiming Small Entity Status
7. ☒ Incorporation by Reference (usable if Box 4b is checked)
   The entire disclosure of the prior application (identified in Item 21), from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
8. ☒ Applicant claims foreign priority benefit to:
   (1) Japanese Application No. 2006-330500, filed on December 7, 2006;
   (2) Japanese Application No. 2006-330501, filed on December 7, 2006;
   (3) Japanese Application No. 2006-330502, filed on December 7, 2006;
   (4) Japanese Application No. 2006-330503, filed on December 7, 2006;
   (5) Japanese Application No. 2007-307150, filed on November 28, 2007;
   (6) Japanese Application No. 2007-307151, filed on November 28, 2007;
   (7) Japanese Application No. 2007-307152, filed on November 28, 2007; &
   (8) Japanese Application No. 2007-307153, filed on November 28, 2007.
9. ☐ Application Data Sheet. See 37 C.F.R. 1.76
10. ☐ CD-Rom or CD-R in duplicate, large table or Computer Program (Appendix)
11. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
    a. ☐ Computer Readable Form (CRF)
    b. ☐ Specification Sequence Listing on:
       i. ☐ CD-ROM or CD-R (2 copies); or
       ii. ☐ paper
    c. ☐ Statement verifying identity of above copies
12. ☒ For publication of assignee information under 37 CFR 1.215(b), list the assignee as FUJITSU LIMITED of Kawasaki, JAPAN. The Assignment papers will be filed later.

ACCOMPANYING APPLICATION PARTS

13. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)* ☐ Power of Attorney
14. ☐ English Translation Document *(if applicable)*
15. ☐ Foreign priority benefit under 35 U.S.C. §119 is claimed.
    a. ☐ Certified Copy of Priority Document(s) filed in prior application No..
    b. ☐ Certified Copy of Priority Document(s) enclosed.
    c. ☐ Certified Copy of Priority Document(s) to follow.
16. ☒ Information Disclosure Statement (IDS)/PTO-1449
17. ☐ A Substitute Specification is attached. No new matter has been entered.
18. ☒ ☐Cross Reference to Related Application(s) to meet requirements under 35 USC §120 in attached Specification
    ☒Cross Reference to Related Application(s) to meet requirements under 35 USC §120 in attached Preliminary Amendment
19. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
20. ☐ Request and Certification for Nonpublication under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent

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21. CONTINUING APPLICATION, *check appropriate box and supply the requisite information below:*
☐ Continuation ☐ Divisional ☒ **Continuation-in-part (CIP) of:** **U.S. Patent Application No. 11/902,940, filed on September 26, 2007;** **U.S. Patent Application No. 11/905,108, filed on September 27, 2007;** **U.S. Patent Application No. 11/905,315, filed on September 28, 2007; &** **U.S. Patent Application No. 11/980,396, filed on October 31, 2007.**

22. NEW CORRESPONDENCE ADDRESS CUSTOMER NO. 21,171
21171 PATENT TRADEMARK OFFICE

23. SIGNATURE OF ATTORNEY OR AGENT			
NAME	**Mark J. Henry**	REGISTRATION NO.	**36,162**
SIGNATURE		DATE	**December 7, 2007**

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S&H Form (09/07)

NEW APPLICATION FEE TRANSMITTAL		Attorney Docket No.	1341.1574
		Application Number	To be assigned
		Filing Date	December 7, 2007
AMOUNT ENCLOSED	0.00	First Named Inventor	Yoshitomo KUMAGAI

FEE CALCULATION (fees effective 09/30/07)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS	20 - 20 =	0	X $ 50.00 =	$ 0.00
	INDEPENDENT CLAIMS	4 - 3 =	1	X $210.00 =	210.00
	MULTIPLE DEPENDENT CLAIMS (any number; if applicable)			+ $370.00 =	
			BASIC FILING FEE		1,030.00
			Total of above Calculations =		$ 1240.00
	Surcharge for each 50 Sheets over 100 ($250.00)				0
	Surcharge for late filing fee, Oath or Declaration (37 CFR 1.53(f)) ($130.00)				
	Reduction by 50% for filing by small entity (37 CFR 1.27).				
			TOTAL FILING FEE =		$ 1240.00
	Surcharge for filing non-English language application ($130.00; 37 CFR 1.52(d))				
	Recordation of Assignment ($40.00; 37 CFR 1.21(h))				
			TOTAL FEES DUE =		$ 1240.00

METHOD OF PAYMENT

☐ Check enclosed as payment.

☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.

☒ No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).

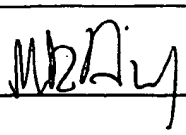
GENERAL AUTHORIZATION

☐ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:

Deposit Account No.	19-3935
Deposit Account Name	STAAS & HALSEY LLP

☐ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name	Mark J. Henry	Reg. No.	36,162
Signature		Date	December 7, 2007

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U.S. PTO
12/000098
12/07/2007

15992 U.S. PTO
120707

S&H Form: PTO/SB/05 (2/02)

CONTINUING (1.53(b)) UTILITY PATENT APPLICATION TRANSMITTAL

(Only for continuing applications under 37 CFR 1.53(b))

Attorney Docket No.	**1341.1574**
First Named Inventor:	**Yoshitomo KUMAGAI**
Title:	***CAD APPARATUS AND CHECK SUPPORT APPARATUS***
Express Mail Label No.	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:
Commissioner for Patents
Box Patent Application
PO Box 1450
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form
2. ☒ Specification, Claims & Abstract..... [Total Pages: 50]
3. ☒ Drawing(s) *(35 USC 113)*..... [Total Sheets: 31] [FIGS. 1-32]
4. ☐ ~~Oath or Declaration~~..... [~~Total Pages: 0~~]
   a. ☐ Newly executed (original or copy)
   b. ☐ Copy from a prior application (37 CFR 1.63(d))
5. ☐ This application is filed by fewer than all the inventors named in the prior nonprovisional application.
   a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
   b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
6. ☐ Verified Statement Claiming Small Entity Status
7. ☒ Incorporation by Reference (usable if Box 4b is checked)
   The entire disclosure of the prior application (identified in Item 21), from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
8. ☒ Applicant claims foreign priority benefit to:
   (1) **Japanese Application No. 2006-330500, filed on December 7, 2006;**
   (2) **Japanese Application No. 2006-330501, filed on December 7, 2006;**
   (3) **Japanese Application No. 2006-330502, filed on December 7, 2006;**
   (4) **Japanese Application No. 2006-330503, filed on December 7, 2006;**
   (5) **Japanese Application No. 2007-307150, filed on November 28, 2007;**
   (6) **Japanese Application No. 2007-307151, filed on November 28, 2007;**
   (7) **Japanese Application No. 2007-307152, filed on November 28, 2007; &**
   (8) **Japanese Application No. 2007-307153, filed on November 28, 2007.**
9. ☐ Application Data Sheet. See 37 C.F.R. 1.76
10. ☐ CD-Rom or CD-R in duplicate, large table or Computer Program (Appendix)
11. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
    a. ☐ Computer Readable Form (CRF)
    b. ☐ Specification Sequence Listing on:
       i. ☐ CD-ROM or CD-R (2 copies); or
       II. ☐ paper
    c. ☐ Statement verifying identity of above copies
12. ☒ For publication of assignee information under 37 CFR 1.215(b), list the assignee as **FUJITSU LIMITED** of **Kawasaki, JAPAN.** The Assignment papers will be filed later.

ACCOMPANYING APPLICATION PARTS

13. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)* ☐ Power of Attorney
14. ☐ English Translation Document *(if applicable)*
15. ☐ Foreign priority benefit under 35 U.S.C. §119 is claimed.
    a. ☐ Certified Copy of Priority Document(s) filed in prior application No..
    b. ☐ Certified Copy of Priority Document(s) enclosed.
    c. ☐ Certified Copy of Priority Document(s) to follow.
16. ☒ Information Disclosure Statement (IDS)/PTO-1449
17. ☐ A Substitute Specification is attached. No new matter has been entered.
18. ☒ ☐Cross Reference to Related Application(s) to meet requirements under 35 USC §120 in attached Specification
    ☒Cross Reference to Related Application(s) to meet requirements under 35 USC §120 in attached Preliminary Amendment
19. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
20. ☐ Request and Certification for Nonpublication under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent

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U.S. PTO
12/000098
12/07/2007

NOT REC'VD

1 page of Drw.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Nobuo SATO	: DECISION ON REQUEST FOR
Patent Number	: 7656274	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/000,141	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **232** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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LEE & MORSE, PC
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

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APR 13 2009

OFFICE OF PETITIONS

In re Application of :
Sang-Jin Park, et al. :
Application No. 12/000,156 : DECISION ON PETITION
Filed: December 10, 2007 : TO WITHDRAW
Attorney Docket No. 249/512 DIV : FROM RECORD
:

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

The request is **NOT APPROVED**.

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

Further, the request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment; (2) deliver to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

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

Attachment: blank copy of PTO/SB/83

cc: JOHN A. CASTELLANO, ESQ.
HARNESS, DICKEY & PIERCE
11730 PLAZA AMERICA DRIVE
SUITE 600
RESTON, VA 20190

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BC

November 16, 2009

In re application of	:	DECISION ON REQUEST TO
Yasuharu Miyauchi et al.	:	PARTICIPATE IN PATENT
Serial No. 12/000,177	:	PROSECUTION HIGHWAY
Filed: December 10, 2007	:	PROGRAM AND
For: MULTILAYER CERAMICS SUBSTRATES	:	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) to make the above-identified application special filed September 25, 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

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

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JUL 08 2010

OFFICE OF PETITIONS

In re Application of :
Bong-Yong Lee, et al. :
Application No. 12/000,208 : DECISION ON PETITION
Filed: December 11, 2007 :
Attorney Docket No. 8947-000307/US :

This is a decision on the petition, filed May 21, 2010 and supplemented June 28, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of September 29, 2009, which set a three (3) month shortened statutory period for reply. A reply was due on or before December 29, 2009.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on December 23, 2009 of, *inter alia,* a post card and a 9 page amendment. A copy of the previously submitted reply accompanies the petition.

The reply acknowledged by the post card as having been received in the USPTO on December 23, 2009 is not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the amendment was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on June 28, 2010.

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

This application is being referred to Technology Center AU 2827 for appropriate action in the normal course of business on the reply received with petition.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

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HOLLAND & HART, LLP
P.O BOX 8749
DENVER CO 80201

MAILED

JAN 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Kelly, et al.	:	DECISION REFUSING STATUS
Application No. 12/000,222	:	UNDER 37 CFR 1.47(a)
Filed: December 11, 2007	:	
Attorney Docket No. 58269.830008.US2	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 11, 2008.

The petition is **DISMISSED**.

Rule 47 applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiency 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. Applicants lack item (2) set forth above.

With respect to (2) set forth above: An oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration does not set forth the citizenship of the non-signing inventor. A new oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the other co-inventors on behalf of themselves and on behalf of non-signing inventor Gudmunder Fertram Sigurjonsson is REQUIRED. See MPEP 409.03(a). All the co-inventors must sign the new declaration that lists Mr.Sigurjonsson's citizenship because they are attesting that this information is true to the best of their knowledge.

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

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

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

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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P.O BOX 8749
DENVER CO 80201

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JUN 17 2009

OFFICE OF PETITIONS

In re Application of
Kelly, et al.
Application No. 12/000,222
Filed: December 11, 2007
Attorney Docket No. 58269.830008.US2

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

This is in response to the renewed petition under 37 CFR 1.47(a), filed May 12, 2009.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, Gudmunder Fertram Sigurjonsson, 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 Technology Center A.U. 1656 for examination in due course.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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GUDMUNDER FERTRAM SIGURJONSSON
29 KERR STREET
DEVONPORT, 0264
NEW ZEALAND

MAILED

JUN 17 2009

OFFICE OF PETITIONS

In re Application of :
Kelly, et al. : LETTER
Application No. 12/000,222 :
Filed: December 11, 2007 :
Attorney Docket No. 58269.830008.US2 :

Dear Mr. Sigurjonsson:

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: HOLLAND & HART, LLP
P.O BOX 8749
DENVER CO 80201

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OFFICE OF PETITIONS

HOLLAND & HART, LLP
P.O BOX 8749
DENVER CO 80201

In re Application of	:	
Robert James Kelly et al.	:	
Application No. 12/000,222	:	DECISION ON PETITION
Filed: December 11, 2007	:	TO WITHDRAW
Attorney Docket No. 58269.830008.US2	:	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 10, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. This change has been made in order to avoid subsequent correspondence being directed to an incorrect address or to a practitioner who has not been appointed as practitioner of record by the applicant.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71, who has properly intervened. If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with any renewed request to update the application file.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/000,274	12/11/2007	Qin He	10195.0025	2793

7590 04/16/2010

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
KOENIG, ANDREW Y	

ART UNIT	PAPER NUMBER
2423	

MAIL DATE	DELIVERY MODE
04/16/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Repln. Ref: 04/19/2010 NFARMER 00014545700
DA#:060916 Name/Number:12000274
FC: 9204 $510.00 CR

Adjustment date: 04/19/2010 NFARMER
12/12/2007 DEMMANU1 00000092 12000274
02 FC:1111 -510.00 OP

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090406

DATE : April 06, 2009

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction on Patent No.: 7481123

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:

/Lisa M. Caputo/ 4/7/09
Supervisory Patent Examiner, Art Unit 2855

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.
12/000,306	12/11/2007	Susumu Naito	MNL-2635-558	2019

7590 07/30/2009

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
OLSEN, KAJ K	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
07/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

Adjustment date: 08/04/2009 BPOWELL
02/14/2008 AWONDAF1 00000068 12000306
03 FC:1111 -510.00 OP

Adjustment date: 08/04/2009 BPOWELL
02/14/2008 AWONDAF1 00000068 12000306
03 FC:1111 -510.00 OP

Refund Ref:
08/04/2009 0030072982

Credit Card Refund Total: $510.00

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NOVAK DRUCE AND QUIGG LLP
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002

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AUG 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Lynn, John Morris	:	DECISION ON PETITION
Application No. 12/000,318	:	TO WITHDRAW
Filed: December 11, 2007	:	FROM RECORD
Attorney Docket No. 8243.006.NPUS00	:	

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, 2009 and August 5, 2009.

The request is **NOT APPROVED**.

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

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

As there is currently no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

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

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002

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OCT 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Lynn, John Morris	:	DECISION ON PETITION
Application No. 12/000,318	:	TO WITHDRAW
Filed: December 11, 2007	:	FROM RECORD
Attorney Docket No. 8243.006.NPUS00	:	

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 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 Tracy W. Druce on behalf of all attorneys/agents of record who are associated with Customer Number 68769.

All attorneys/agents associated with Customer Number 68769 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to first-named inventor, John Morris Lynn, at the address indicated below.

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

Liana Walsh
Petitions Examiner
Office of Petitions

cc: JOHN MORRIS LYNN
333 KING ARTHUR COURT
AUSTIN TX 78746

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Finnegan, Hender, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

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NOV 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Cara A. Pellegrini :
Application No. 12/000,362 : DECISION ON PETITION
Filed: December 12, 2007 :
Attorney Docket No. 09762.0001-04000 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 10, 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 Corrected Application Papers, mailed January 11, 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 March 12, 2008. A Notice of Abandonment was mailed on September 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 replacement drawings (2) the petition fee of $1620, and (3) a proper statement of unintentional delay. Accordingly the replacement drawings 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.

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 October 10, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

OGILVY RENAULT LLP
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL QC H3A2Y-3 CA CANADA

COPY MAILED

APR 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Zhengding Su et al.	:	
Application No. 12/000,370	:	DECISION ON PETITION
Filing Date: December 12, 2007	:	PURSUANT TO
Attorney Docket No. 2139-22US-1	:	37 C.F.R. § 1.182
Title: STAPHYLOCOCCAL NUCLEASE	:	
FUSION PROTEINS FOR THE	:	
PRODUCTION OF RECOMBINANT	:	
PEPTIDES	:	

This is a decision on the "Petition" filed March 5, 2008, requesting that this application be "accorded the filing date of the receiving of the omitted items." This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182[1].

It is noted that this application is a divisional of Application No. 10/524,053, and that the contents of which have been incorporated by reference.

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1 See M.P.E.P § 201.06(c)(IV)(A), which sets forth, in *pertinent part*: "Material needed to accord an application a filing date may not be incorporated by reference unless an appropriate petition under 37 CFR 1.57(a)(3) or under 37 CFR 1.182 is granted. Until such a petition has been granted, the application will not be entitled to a filing date...[I]n an application containing an explicit incorporation by reference statement in the specification or in a transmittal letter (if the transmittal letter was filed prior to September 21, 2004), a petition for the granting of a filing date may be made under 37 CFR 1.182."

The application was deposited on December 12, 2007. However, on January 9, 2008, the Office of Initial Patent Examination mailed a "Notice to Incomplete Nonprovisional Application" (notice) notifying Applicant, *inter alia*, that the application papers had not been accorded a filing date because the application had been deposited without drawings, and that a filing date would be accorded upon the deposit of the same. This notice set a two-month period for response.

In response, Applicant timely filed this petition. Petitioner has submitted, *inter alia*, 16 pages of drawings, along with an indication that these figures were inadvertently omitted on filing. Petitioner has requested the entry of these drawings, and has requested that the Office accord "the filing date of reception of the omitted items" to this application.

Petitioner's submission has been considered. It is controlling that a review of the application confirms that as filed, the application contained at least one method claim[2]. 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 MPEP § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP § 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

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2 See claims 8-17.

No petition is required.

To the extent that Petitioner has requested that this application be accorded a filing date, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee will be refunded to Deposit Account No. 19-5113, as authorized, in due course.

The Office of Patent Application Processing (OPAP) will be advised of this decision. Pursuant to this decision, the application will be referred to OPAP for:

- **According a filing date of December 12, 2007 to this application;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing,** and;
- **for issuance of a filing receipt.**

Receipt of the concurrently submitted 16 pages of drawings is acknowledged. These drawings cannot be entered at the present time however, as it does not appear that Petitioner has submitted an amendment directing the entry of the same. Moreover, it is noted in passing that the declaration Petitioner has submitted concurrently with this petition contains non-dated changes by inventor Su[3]. Petitioner may wish to consider filing both a preliminary amendment that directs the entry of the drawings and a newly executed oath or declaration.

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-32254.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

3 See 37 C.F.R. § 1.52(c)(1) and MPEP § 605.04(a).
4 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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NORRIS, BRADEN, MELTON & GREGERSEN, PLLC
SUITE 305
1901 PENNSYLVANIA AVENUE, N.W.
WASHINGTON DC 20006

COPY MAILED
FEB 01 2010

In re Application of	:	
Moeub LANH	:	
Application No. 12/000,412	:	DECISION ON PETITION
Filed: December 12, 2007	:	
Attorney Docket No. ML002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 17, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 17, 2008. Accordingly, the date of abandonment of this application is March 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 payment of the issue fee of $755.00 and the publication fee of $300.00, (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted has being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to Publishing Division for processing into a patent.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,482	12/13/2007	Tetsuya Torikai	UDK-0070	3449

7590 11/05/2009

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
DANG, KET D	

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
11/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 11/06/2009 NFARMER
12/14/2007 DEMMANU1 00000024 100013 12000482
02 FC:1111 510.00 CR

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WWW.USPTO.GOV

MAILED Paper No.

JAN 12 2010

OFFICE OF PETITIONS

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

In re Application of :
Chao et al. :
Application No. 12/000,561 : DECISION ON PETITION
Filed: December 13, 2007 : PURSUANT TO
Attorney Docket No.: 7000.110 : 37 C.F.R. § 1.137(B)
Title: METHOD OF ALIGNMENTS OF :
LIQUID CRYSTAL EMPLOYING :
MAGNETIC THIN FILMS :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed November 4, 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 reply in a timely manner to the Notice of Missing Parts (notice), mailed January 23, 2008, 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 March 24, 2008. A notice of abandonment was mailed on September 30, 2008.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was

unintentional, and;

(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, the filing, search, and examination fees along with the surcharge associated with the late submission of the same, and the proper statement of unintentional delay. The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing. Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

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 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.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[2]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 See Rule 1.137(d).

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Gino Palumbo	: DECISION ON REQUEST FOR
Patent Number	: 7591745	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/000,582	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,604	12/14/2007	Teiji Ishinada	MNL-2635-562	5629

7590 07/30/2009

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
ROBINSON, DANIEL LEON	

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
07/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 08/04/2009 BPOWELL
12/17/2007 MBELETE1 00000063 12000604
02 FC:1111 -510.00 OP

Adjustment date: 08/04/2009 BPOWELL
12/17/2007 MBELETE1 00000063 12000604
03 FC:1111 -510.00 OP

Refund Ref:
08/04/2009 00300728911

Credit Card Refund Total: $510.00

Am Exp..: XXXXXXXXXXX2021

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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Hiroki Yamashita	: DECISION ON REQUEST FOR
Patent Number	: 7649381	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/000,608	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **4** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

4/15/09

In re Application of	:	
TAHARA, JUN	:	DECISION ON REQUEST TO
Application No. 12/000,638	:	PARTICIPATE IN PATENT
Filed: Dec. 14, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 134350	:	PROGRAM AND PETITION
For: EXHAUST GAS PURIFICATION APPARATUS AND METHOD FOR INTERNAL COMBUSTION ENGINES	:	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 10, 2009, to make the above-identified application special.

The petition is DISMISSED.

A grantable request to participate in the PPH pilot program and petition to make special require:

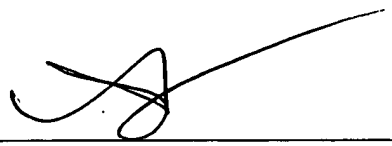
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation.thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the Office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH is not grantable as per items (2) and (5). While applicant has submitted a copy of an English translation of the allowable claims by JPO, there is no copy of the Japanese language allowable claims filed with the petition. A copy of the Japanese language of the allowable claims is required. With regard to Item (5), the applicant is required to submit a copy and English translation of all JPO Office actions, if any and JPO Notice of Allowance indicating all claims have been allowed.

It is noted that during the prosecution in the JPO, there were only three prior art references cited by the JPO patent examiner. The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.



Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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ALEXANDRIA VA 22320-4850

5/15/09

In re Application of	:	
TAHARA, JUN	:	DECISION ON REQUEST TO
Application No. 12/000,638	:	PARTICIPATE IN PATENT
Filed: Dec. 14, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 134350	:	PROGRAM AND PETITION
For: EXHAUST GAS PURIFICATION APPARATUS AND METHOD FOR INTERNAL COMBUSTION ENGINES	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program under 37 CFR 1.102(d), filed May 13, 2009 to make the above-identified application special.

The request is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h) of $130.00 has been paid.

The request to participate in the PPH program and petition comply with the above requirements. Receipt of the requested documents is acknowledged and has been entered. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner Thomas Denion, Art Unit 3748, at 571-272-4859

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,705	12/17/2007	Byung-gwon Cho	304/096	5815

7590 11/04/2009

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER
HJERPE, RICHARD A

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

Refund Ref:
11/05/2009 0000075433

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Adjustment date: 11/05/2009 NFARMER
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02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,718	12/17/2007	Kinya Takahashi	MNL-2018-1879	5777

7590 08/20/2009

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
CHANG, CHING	
ART UNIT	**PAPER NUMBER**
3748	
MAIL DATE	**DELIVERY MODE**
08/20/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Harmes

Patent Publication Branch
Office of Data Management

Refund Ref:
08/21/2009 00030073553

Credit Card Refund Total: $510.00

Am Exp..: XXXXXXXXXXX2021

Adjustment date: 08/21/2009 MFARMER
12/18/2007 DEMMANU1 00000060 12000718
02 FC:1111 -510.00 OP

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STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

MAILED

APR 2 1 2010

OFFICE OF PETITIONS

In re Patent No. 7,711,513 :
Issue Date: May 4, 2010 :
Application No. 12/000,734 : NOTICE
Filed: December 17, 2007 :
Attorney Docket No. 15291.0003-D1 :

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 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.

Liana Walsh
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/000,776	12/17/2007	Fabien Sauter-Starace	11016-0093

CONFIRMATION NO. 6071

22902
CLARK & BRODY
1090 VERMONT AVENUE, NW
SUITE 250
WASHINGTON, DC 20005

CONVERSION REQUEST

Date Mailed: 05/01/2008

DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **03/14/2008,** to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/124,799.** The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

JANICE L TIPPETT
Office of Patent Application Processing (OPAP)
(571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,786	12/17/2007	Masahiro Sugiura	MNL-2018-1881	6196

7590 08/05/2009

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
ZIMMERMAN, BRIAN A	

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
08/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
08/07/2009 0030073080

Credit Card Refund Total: $510.00

AE Exp..: XXXXXXXXXX2021

Adjustment date: 08/07/2009 NFARMER
01/22/2008 MBELETE1 00000065 12000786
04 FC:1111 -510.00 OP

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5-27-2010

TO SPE OF : ART UNIT 2421

SUBJECT : Request for Certificate of Correction for Appl. No.:12000789 Patent No.: 7584489

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Eva James
Certificates of Correction Branch
703-756-1583 _____

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.
X Denied	State the reasons for denial below.

Comments: proposed changes would change the scope of the claimed invention

/John W. Miller/ 2421

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,798	12/18/2007	Kouji Nakamura	01-1600	6097

23400 7590 09/23/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
BENSON, WALTER	

ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
09/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

In re Application of	**: DECISION ON REQUEST TO**
Kouji NAKAMURA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/000,798	**: PROSECUTION HIGHWAY**
Filed: 18 December 2007	**: PROGRAM AND PETITION**
Attorney Docket No.: 01-1600	**: TO MAKE SPECIAL UNDER**
For: LOAD DRIVING METHOD	**: 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 30 June 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, 4, 5, and 7 above are considered to have been met. The request to participate in the PPH program fails to meet requirements 2, and 6, above, and it can not be determined whether requirement 3 has been met.

Regarding requirement 2, the applicant has submitted a document that is alleged to be a copy of the claims that were determined to be patentable by the JPO. In addition, the applicant has submitted a document that is alleged to be an English translation of the allowable/patentable claims. These two documents, however, do not appear to be related. The document that is alleged to be a copy of the claims that were determined to be patentable by the JPO includes

claims having Arabic numerals 1-14, while the document that is alleged to be an English translation of the allowable/patentable claims includes claims 9-46. Consequently, these two documents appear to be in contradiction. It appears that either the applicant has not submitted a copy of the claims that were determined to be patentable by the JPO, or the applicant has not submitted an English translation of the allowable/patentable claim(s) and the statement that the English translation is accurate is false.

Regarding requirement 3, because the conditions of requirement 2 do not appear to have been met, it can not be determined whether the Applicant has ensured that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application.

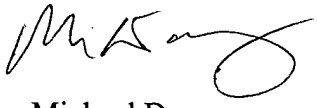
Regarding requirement 6, Petitioner has submitted Information Disclosure Statements on 10 March 2009, and 18 December 2007 listing a number of the documents cited by the JPO examiner in the JPO office action with the corresponding copies thereof, but NOT all. It is noted, however, that copies of Japanese patents JP-07-051396 and JP-2004-072977 have not been provided by the applicant, nor have theses references been cited by the applicant on an IDS.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.REQUEST. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Michael Day at (571) 272-2058.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.



Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,798	12/18/2007	Kouji Nakamura	01-1600	6097

23400 7590 12/03/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
DUDA, RINA I	

ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
12/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

In re Application of	**: DECISION ON REQUEST TO**
Kouji NAKAMURA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/000,798	**: PROSECUTION HIGHWAY**
Filed: 18 December 2007	**: PROGRAM AND PETITION**
Attorney Docket No.: 01-1600	**: TO MAKE SPECIAL UNDER**
For: LOAD DRIVING METHOD	**: 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 30 June 2009, and renewed request, filed 5 October 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition 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

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.
12/000,798	12/18/2007	Kouji Nakamura	01-1600	6097

23400 7590 12/09/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
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RESTON, VA 20191

EXAMINER	
DUDA, RINA I	

ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
12/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

In re Application of	**: DECISION ON REQUEST TO**
Kouji NAKAMURA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/000,798	**: PROSECUTION HIGHWAY**
Filed: 18 December 2007	**: PROGRAM AND PETITION**
Attorney Docket No.: 01-1600	**: TO MAKE SPECIAL UNDER**
For: LOAD DRIVING METHOD	**: 37 CFR 1.102(d)**

This is re-mailing of a decision (mail room date 30 November 2009) on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 30 June 2009, and renewed request, filed 5 October 2009, to make the above-identified application special. This re-mailing is in response to a telephone call, received 8 December 2009, requesting the correction of a typographical error indicating that the request and petition were dismissed, when in fact the request and petition were granted. The Office apologizes for this error, and any undue concern that it may have cause.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority to an application filed in the JPO, or
   ii. validly claims priority to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition comply 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/000,799	12/18/2007	Tsuyoshi Shiomi	01-1580	6118

7590 08/17/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
CHIN, VIVIAN C	
ART UNIT	PAPER NUMBER
2614	
MAIL DATE	DELIVERY MODE
08/17/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Deposit Acct: 06/18/2009 BPOWELL 00165719
DAM:501147 Name/Number:12000799
FC: 9204 $510.00 CK

-510.00 OP

FORM PET651G (Rev. 08/07)

Repln. Ref: 08/18/2009 BPOWELL 0016571900
DR#:501147 Name/Number:12000799
FC: 9204 $510.00 CR

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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THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

MAILED

MAR 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Richard Allen Kohn	:	DECISION ON PETITION
Application No. 12/000,856	:	TO WITHDRAW
Filed: December 18, 2007	:	FROM RECORD
Attorney Docket No. 31182-16	:	

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 14, 2010, 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 The Nath Law Group does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of The Nath Law Group not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

COPY MAILED
DEC 10 2008

In re Application of	:	
Toshiaki Okuno	:	
Application No. 12/000,873	:	DECISION ON TWO PETITIONS
Filed: December 18, 2007	:	PURSUANT TO 37 C.F.R.
Attorney Docket No.: 40616-254658	:	§§ 1.137(B) AND 1.181(A)
Title: WAVELENGTH CONVERTER	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a), filed on October 17, 2008, requesting that the holding of abandonment in the above-identified application be withdrawn. This is also a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed on October 30, 2008, to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

The petition pursuant to 37 C.F.R. § 1.137(b) is **HELD IN ABEYANCE**.

BACKGROUND

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 5, 2008, 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 April 6, 2008. A notice of abandonment was mailed on October 10, 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** (emphasis added). 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).

With this petition, Petitioner has stated that the notice of February 5, 2008 was not received at the correspondence address of record,[1] has indicated that a search of the file[2] and the application contents indicates that the Office action was not received,[3] and has provided copies of a mail log, the docket report that is associated with this particular application, and the master docket.

Petitioner's assertion of non-receipt has not been adequately supported, and as such, the record does not support a finding that the docketing system is sufficiently reliable, as will be now pointed out.

Petitioner has indicated that a hard copy and a soft copy of each communication that is received from the Office is delivered to the responsible attorney and/or his/her assistant.[4] Petitioner has further added:

> A Docketing Specialist reviews the USPTO mail for any docketable due dates and enters the information into IPMaster docketing software.
>
> Petition pursuant to 37 C.F.R. § 1.181(a), page 3.

However, the petition is silent as to how this docketing system serves to ensure that the correspondence recorded therein is responded to in a timely manner. **Does this computer-based docketing software program generate reports that are distributed to the responsible attorneys/agents? Does it generate periodic reminders prior to the due dates? If so, are these reminders distributed to the responsible attorneys/agents?**

The alternate petition under 37 C.F.R. § 1.137(b) will be held in abeyance so as to afford Petitioner the opportunity to file a renewed petition pursuant to Rule 1.181. **If Petitioner would prefer to seek revival under the unintentional standard, a response to this decision should be submitted with words to this effect.**

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be

---

1 Petition pursuant to 37 C.F.R. § 1.181(a), page 1.
2 The Office is construing this language to mean that he file jacket was searched, and **Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.**
3 Petition pursuant to 37 C.F.R. § 1.181(a), pages 3-4.
4 Id. at 3.

submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

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,[5] hand-delivery,[6] or facsimile.[7] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[8]

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.[9]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

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 of Petitioner's further action(s).

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Paper No.

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

MAILED

MAY 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Toshiaki Okuno	:	
Application No. 12/000,873	:	DECISION ON RENEWED PETITION
Filed: December 18, 2007	:	PURSUANT TO 37 C.F.R.
Attorney Docket No.: 40616-254658	:	§ 1.181(A) AND PETITION
	:	PURSUANT TO 37 C.F.R.
Title: WAVELENGTH CONVERTER	:	§ 1.137(B)

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.181(a), filed on December 23, 2008, requesting that the holding of abandonment in the above-identified application be withdrawn. This is also a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed on October 30, 2008, to revive the above-identified application.

BACKGROUND

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 5, 2008, 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 April 6, 2008. A notice of abandonment was mailed on October 10, 2008.

PROCEDURAL HISTORY AND ANALYSIS

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on October 17, 2008, where Petitioner stated that the notice of February 5, 2008 was not received at the correspondence address of record, and that a search of the file and the application contents indicates that the Office action was not received. Petitioner provided copies of a mail log, the docket report that is associated with this particular application, and the master docket.

The original petition was dismissed via the mailing of a decision on December 10, 2008.

With this renewed petition, Petitioner has confirmed that both the file jacket and the application contents were searched.[1] Petitioner has further indicated that the computer-based docketing software program generates two reports that are distributed to the responsible patent practitioners: one on a daily basis and one on a bi-weekly basis.[2] Moreover, Petitioner has indicated that these two types of reports serve as periodic reminders.[3]

CONCLUSION

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the notice of February 5, 2008 was not received.

Accordingly, this second renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

It follows that the petition pursuant to 37 C.F.R. § 1.137(b) is **DISMISSED AS MOOT**. The associated fee has not been charged to Petitioner's Deposit Account.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing. **OPAP will note that a response to the notice of February 5, 2008 was received on October 17, 2008.**

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

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1 Renewed petition, page 2.
2 Id. at 3.
3 Id. at 4-5.

APPENDIX

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).

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.**

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.[4]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

4 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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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Jyrki Helander	: DECISION ON REQUEST FOR
Patent Number	: 7658139	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/000,877	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **30** 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.
12/000,906	12/18/2007	Hideaki Maeda	P58652	6435

8439 7590 06/11/2010

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER	
SAHA, BIJAY S	

ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
06/11/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rebushnell@aol.com
mail@rebushnell.com
info@rebushnell.com

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

wk

Mailed: JUN 11 2010

In re application of :
Maeda et al. : DECISION ON
Serial No. 12/000,906 : PETITION
Filed: December 18, 2007 :
For: COMPOSITION FOR NEGATIVE ELECTRODE OF NON-AQUEOUS RECHARGEABLE BATTERY AND NON-AQUEOUS RECHARGEABLE BATTERY PREPARED BY USING SAME

This is a response to Applicants Petition under 37 CFR 1.181 filed August 10, 2009.

Applicants request that the Examiner withdraw the requirement that Figure 1 be labeled as "Prior Art".

A review of the record indicates that the Examiner in the Office Action dated December 1, 2009, withdrew the requirement.

DECISION

The Petition is **DISMISSED**.

/JACQUELINE STONE/

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON DC 20006-1004

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 04/21/2010

Applicant	: Miko Lee	: DECISION ON REQUEST FOR
Patent Number	: 7600736	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/000,975	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

JUN 15 2009

OFFICE OF PETITIONS

Applicant: Young-Po Chiu, et al.
Appl. No.: 12/000,990
Filing Date: December 19, 2007
Title: DATA UPDATING METHOD FOR INTERNET MAP SERVICE PLATFORM AND INTERNET MAP SERVICE PLATFORM
Attorney Docket No.: 4443-0424PUS1
Pub. No.: US 2008/0177709 A1
Pub. Date: July 24, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 6, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the fourth inventor's name "Hung-Hsiang Chen" was misprinted as "Hung-Hsiung Chen" (a u in Hsiung instead of an a).

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error on the front page of the publication wherein the fourth inventor's name was misprinted is not a material Office error under 37 CFR 1.221. The Oath filed with the application on December 19, 2007 is not very legible, the fourth inventor's name appears to be Hsiung, with a u not an a. Furthermore, the misprinting of the inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Applicant states that the name was properly spelled in the ADS submitted filed with the Office on May 23, 2008 and that applicant requested that the fourth inventor's name be amended via the "Publication Review" tab of PAIR. The ADS filed in the Office on May 23, 2008, does not comply with the rules governing supplemental application data sheets, which requires the docuent to be labeled a "Supplemental Application Data Sheet" and that the changes be indicated. See 37 CFR 1.76(c).

On February 04 2008 and April 18, 2008, a Filing Receipt was mailed by the Office, which improperly listed the inventor's name. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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Reverend Daniel Robert Izzo
512 Onondaga Ave
Syracuse, NY 13207

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MAY 2 8 2009

OFFICE OF PETITIONS

In re Application of Daniel Izzo :
Application No. 12/011,007 : Decision on Petition
Filing Date: January 24, 2008 :
For: Resurrection Burial Tomb :

This is a decision on the petition filed March 18, 2009, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Facts

The application was filed January 24, 2008.

The drawings filed January 24, 2008, did not include a Figure 13, 36, 45, or 49, referenced in the specification.

Although the drawings included Figures 13B, 14B, and 19B, the drawings did not include drawings labeled 13A, 14A, or 19A, and the specification did not reference Figures 13A, 14A, or 19A.

The Office mailed a Notice to File Missing Parts of Nonprovisional Application on February 19, 2008. The Notice set a two-month time period for reply.

The February 19, 2008 Notice required a substitute specification for several reasons including the fact two pages (7 and 33) contained handwritten notation. The Office required new drawings for numerous reasons.

Petitioner filed a reply on April 17, 2008.

The April 17, 2008 reply included a substitute specification. A review of the specification indicates page 1 and 27 of the substitute specification improperly contain handwritten notation.

The reply stated, "[T]he corrected specification and drawings with no new subject matter is enclosed." The reply also stated drawing Figures 13, 36, 45, and 49, which were inadvertently omitted from the original application papers, were being added. A review of the drawings filed April 17, 2008, confirms Figures 13, 26, 45, and 49 were included with the new drawings.

The Office mailed a "Notice of Incomplete Reply (Nonprovisional)" on April 30, 2008. The Notice indicated the replacement drawings failed to comply with 37 CFR 1.84 and 37 CFR 1.121(d). The Notice stated the replacement drawings were not acceptable because:

(1) Drawing Figures 1-62 were not "reasonably free from erasures" or reasonably free from "alterations, overwriting, folds, and copy marks;" and

(2) Drawing Figures 1-62 were not electronically reproducible because Figures 1-62 were missing and/or blurry.

The April 30, 2008 Notice indicated the time period set forth in the original Notice mailed February 19, 2008, continued to run.

A reply and a $60 payment for a one-month extension of time were filed May 8, 2008. The reply included a new portion of specification discussing the drawings to be substituted for the prior portion of the specification discussing the drawings. The new portion of the specification was not accompanied by a complete substitute specification.

The May 8, 2008 reply also included a new set of drawings. Differences between the new set of drawings and the prior set of drawings included, but were not limited to,

(1) Figure 1 was split into Figure 1, Figure 1A, and Figure 1B;

(2) Figure 12, although referenced in the copy of the specification filed May 8, 2008, was not included as part of the new drawings;

(3) Drawing Figure 13 from the prior set of drawings, which was not part of the original set of drawings, was split into Figures 13 and Figure 13A;

(4) Figure 13B was not part of the new drawings and was not referenced in the new specification;

(5) Figure 14B had been relabeled as Figure 14A;

(6) Figure 39 was split into Figures 39 and 39A;

(7) Figure 46 was split into Figures 46 and 46A;

(8) Figure 48 was split into Figures 48 and 48A;

(9) Figure 51 was split into Figures 51, 51A, 51B, and 51C;

(10) Figure 52 was split into Figures 52, 52A, and 52B.

The Office mailed a Notice of Incomplete Reply on May 28, 2008. The Notice stated the replacement drawings were not acceptable because:

(1) All the drawing figures were not "reasonably free from erasures" or reasonably free from "alterations, overwriting, folds, and copy marks;"

(2) All the drawings figures were not electronically reproducible because portions of all the figures were missing and/or blurry; and

(3) Figures 11, 12, 19, 19B, 20, 22, 26, 30, 31, and 32 were not made on paper on paper with a white background and drawings on paper such as graph paper, lined paper, or paper that has a non-white background is unacceptable.

The May 28, 2008 Notice indicated the time period set forth in the original Notice mailed February 19, 2008, continued to run.

On June 16, 2008, the Office mailed a Notice to File Corrected Application Papers. The Notice set a time period for reply of two-months from the mail date of the Notice. The Notice stated new drawings were required because all the drawing figures were not "reasonably free from erasures" or reasonably free from "alterations, overwriting, folds, and copy marks." The June 16, 2008 Notice vacated the May 28, 2008 Notice.

New drawings were filed on August 14, 2008. Many, if not all, of the new set of drawings were completely identical to the prior set submitted.

New drawings were filed on August 18, 2008. Many, if not all, of the new set of drawings were completely identical to the set submitted May 8, 2008, and the set submitted August 14, 2008.

The Office mailed a Notice of Incomplete Reply on September 2, 2008. The Notice indicated the replacement drawings failed to comply with 37 CFR 1.84 and 37 CFR 1.121(d). The Notice stated the replacement drawings were not acceptable because all the drawing figures were not "reasonably free from erasures" or reasonably free from "alterations, overwriting, folds, and copy marks."

The September 2, 2008 Notice indicated the time period set forth in the Notice to File Corrected Application Papers mailed June 16, 2008, continued to run.

A reply to the prior Notice and payment for a one-month extension of time were filed September 16, 2008. The reply stated,

> An amended specification dated 09-12-2008 with no new subject matter that cures the OIPE objections to the drawings dated 08-15-08 and filed 08-18-08. The applicant references the published figure drawings in CIP Application 10/161,974 filed 06/04/2002 drawing Figures 1-58 described in Patent Application 10/161,974 filed 06/04/02 from which this Application is a Continuation in Part. Drawing figures 1-58 are the same or have the exact same subject matter.

The September 16, 2008 reply did not include a new set of drawings.

Since the September 16, 2008 reply was not a proper reply to the June 16, 2008 Notice, the application became abandoned on September 17, 2008.

The Office mailed a Notice of Abandonment on February 19, 2008. The Notice of Abandonment stated the application was abandoned because no reply had been received in response to the June 16, 2008 Notice. The Notice of Abandonment contained an error in so far as the Notice stated no reply had been received in response to the June 16, 2008 Notice. The Notice should have stated no "proper" reply had been received.

The instant petition was filed March 18, 2009.

Discussion

The Propriety of the Holding of Abandonment

In order to determine if the application is abandoned, the Office must first determine whether or not the replies filed August 14, 2008, and August 18, 2008, were proper and complete replies to the June 16, 2008 Notice.

The June 16, 2008 Notice stated the drawings were not reasonably free from erasures, alterations, overwriting, folds, and copy marks. In order to establish the drawings filed August 14, 2008, and August 18, 2008, were a proper reply to the June 16, 2008, petitioner must demonstrate the drawings filed August 14, 2008, and/or the drawings filed August 18, 2008, were reasonably free from erasures, alterations, overwriting, folds, *and* copy marks.

The drawings filed during August 2008 clearly did not comply with the June 16, 2008 Notice since neither set of drawings was reasonably free from overwriting. 37 CFR 1.84(p)(3) states, "[Reference characters] should not be placed in the drawing so as to interfere with its comprehension [and] should not cross or mingle with the lines [of the drawing]." In this case, drawings figures that include reference characters appearing in the drawing and/or crossing or mingling with lines of the drawing include, but are not limited to, Figures 1A, 2, 9, 10, 21, 22, 23, 24, 26, 27, 30, 31, 32, 43, 44, 50, 59, 60, and 62.

Petitioner contends the drawings objections are "erroneous," "unfair," and "petty." The Office respectfully disagrees with petitioner's contention. The Office liberally construes drawing requirements during the processing of an application. However, in the instant case, both sets of drawings contain numerous illegible drawing figures. Drawing figures containing illegible portions include, but are not limited to:

(1) Figure 9 which contains several reference characters illegible to such an extent the identify of the characters is unclear,
   (A) Two reference characters are completely illegible,
   (B) One reference character appears to either be a "10" or 12,"
   (C) One reference character appears to either be a "5" or "15,"
   (D) One reference character appears to either be a "4" or "9;"
(2) Figure 17 which includes seven illegible words;
(3) Figure 26 which contains at least three illegible numbers;
(4) Figure 27 which contains at least three illegible numbers;
(5) Figure 28 which contains at least eight illegible words;
(6) Figure 40 which contains at least ten illegible words;
(7) Figure 44 which contains at least ten illegible words;
(8) Figure 46 which contains at least five illegible words;
(9) Figure 48A which contains at least five illegible words;
(10) Figure 49 which contains at least two illegible words;
(11) Figure 50 which contains at least fifteen illegible words;
(12) Figure 51 which contains at least two illegible words;
(13) Figure 51A which contains at least two illegible words;
(14) Figure 52 which contains at least twelve illegible words;

(15) Figure 52A which contains at least five illegible words;
(16) Figure 52B which contains at least five illegible words;
(17) Figure 55 which contains at least three illegible words; and
(18) Figure 61 which contains at least twelve illegible words.

In addition to the drawing figures cited above, the following drawing figures also contained illegible portions: Figures 7, 13A, 19, 25, 30, 31, 32, 33, 38, 41, 43, 45, 47, 48, 51B, 51C, 53, 54, 56, 57, and 62.

In order to be acceptable, drawings *must* be legible. In other words, objecting to drawings that are illegible is not erroneous, unfair, or petty.

Petitioner cites the fact the Office has objected to drawings a total of three times as part of an argument the individual reviewing the drawings is "being petty." The Office notes the record appears to indicate several individuals reviewed prior drawings. Also, the fact the Office has mailed numerous Notices is not an indication the Office has acted "petty." Instead, such conduct demonstrates the Office has given petitioner multiple opportunities to supply proper drawings.

Petitioner asserts petitioner is unable to provide better drawings. When determining if the holding of abandonment was proper, the Office need only determine whether or no the drawings filed during August 2008 were a proper reply to the June 16, 2008. The exact level of petitioner's ability to draft drawings is not directly an issue at this time. However, as a courtesy, the Office will briefly discuss the issue of whether or not petitioner is capable of supplying better drawings.

A review of the drawings indicates petitioner is almost certainly capable of improving some of the drawing figures. For example, the quality of Figure 51, consisting of a very simple drawing figure, would improve if petitioner did nothing except make the drawing figure, including the words on the figure, larger. The record fails to indicate any reason to conclude petitioner is not capable of making and filing a larger and more legible version of Figure 51.

Even though petitioner alleges petitioner is incapable of making better drawings, petitioner fails discuss any steps petitioner has taken in an attempt to improve the quality of the drawings. Such steps may include learning the requirements for drawings from our website or buying and reading books involving filing patents. An abundant number of books exist. For example, Nolo® prints books such as:

(1) "How to Make Patent Drawings: A Patent It Yourself Companion,"
(2) "Patent It Yourself," and
(3) "Nolo's Patents for Beginners."

Petitioner should not the above list of books is not an endorsement of the books, but is included simply to illustrate that books to help inventors learn the process of filing applications, including drawings, do exist.

Petitioner has not proven petitioner is unable to supply better drawings.

The June 16, 2008, objected to each and every drawing figure. The Office notes that many, if not all, of the drawings filed August 14, 2008, and August 18, 2008, appear to be completely identical to the drawings filed May 8, 2008. When the Office objects to a drawing figure, one cannot transform the improper drawing figure into a proper figure by simply refiling the drawing without making any changes.

For the previous reasons discussed, neither the drawing set filed August 14, 2008, nor the drawing set filed August 18, 2008, was a properly reply to the June 16, 2008 Notice.

Petitioner argues the September 16, 2008 paper was a proper reply to the June 16, 2008. Apparently, when confronted with the September 2, 2008 Notice indicating the drawings were still improper, petitioner chose to file an amendment to delete the drawings in order to overcome the Office objections to the drawings.

A review of the paper filed September 16, 2008, was ambiguous to such an extent that the Office could not have reasonably been expected to know petitioner was trying to amend the application to delete the drawings. Therefore, any argument that the amendment was a proper reply to the June 16, 2008 Notice is untenable.

Even if an amendment in a proper format had been filed in order to delete the drawings, the amendment would have been improper as a result of the substance of the amendment. An applicant may not amend an application in such a way so as to deprive the application of the right to a filing date. In other words, the drawings cannot be deleted if the drawings are necessary for a filing date. In this case, petitioner has *not* shown drawings are not necessary for a filing date.

Petitioner asserts the instant application is a continuation-in-part of Application No. 10/161,974, which included drawings that were published and could have been used to describe the invention. However, the existence of drawings in the prior application does not prove drawings are not necessary in the instant application.

For the previous reasons discussed, a proper reply was not filed in response to the June 16, 2008 Notice. Therefore, the holding of abandonment will not be withdrawn.

Requesting Reconsideration

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (proper drawings), the required petition fee ($810 for a small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

A copy of a PDF "fillable" version of a petition under 37 CFR 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064_fill.pdf.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

The Drawing Figures Omitted on January 24, 2008

The drawings filed January 24, 2008, did not include a Figure 13, 36, 45, or 49, referenced in the specification.

The Office mailed a Notice to File Missing Parts of Nonprovisional Application on February 19, 2008. The Notice set a two-month time period for reply. The Notice failed to indicate any drawing figures were missing.

Petitioner filed a reply on April 17, 2008. The reply stated drawing Figures 13, 36, 45, and 49, which were inadvertently omitted from the original application papers, were being added. A review of the drawings filed April 17, 2008, confirms the drawings did included Figures 13, 26, 45, and 49 were included with the new drawings.

A reply filed May 8, 2008, included a new set of drawings. Figure 13 "added" on April 17, 2008, was split into Figures 13 and 13A in the May 8, 2008 drawings.

If the application is returned to pending status, whether via a decision granting a petition under 37 CFR 1.181 or 37 CFR 1.137(b), the drawings for the application will not include Figures 13, 13A, 36, 45, and 49. Instead, the Office of Patent Examination Processing will be instructed to send a Notice that will indicate Figures 13, 36, 45, and 49 described in the specification were not present on January 24, 2008, and will provide petitioner with his options concerning the missing drawing figures. Since the application is currently abandoned, a current need does not exist for the Office of Patent Examination Processing to mail the Notice.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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JUN 16 2008

OFFICE OF PETITIONS

MONSANTO COMPANY
800 N. LINDBERGH BLVD.
ATTENTION: GAIL P. WUELLNER, IP PARALEGAL, (E2NA)
ST. LOUIS MO 63167

In re Application of	:
Abad, et al.	: DECISION REFUSING STATUS
Application No. 12/001,025	: UNDER 37 CFR 1.47(a)
Filed: December 6, 2007	:
Atty. Dkt. No.: 38-21(53949)B	:
For: GENES AND USES FOR PLANT IMPROVEMENT	:

This decision is in response to the petition under 37 CFR 1.47(a) filed April 8, 2008.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed December 6, 2007 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed January 28, 2008. The Notice required a surcharge and an executed oath or declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirements (1) and (2) set forth above.

As to item (1), petitioners have failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

It would appear that communications directed to inventor Shaikh were received, however, petitioners have failed to establish that said communications included the complete application papers (specification, including claims, drawings, and oath or declaration).

Petitioners are reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventor(s) indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor(s) receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

It would appear that communications directed to inventors Mitchell and Wray were returned as undeliverable.

Petitioners are reminded that where inability to reach or locate a non-signing inventor is alleged, petitioners are required to establish that diligent effort was made to locate the non-signing inventor and provide the non-signing inventor with a complete copy of the patent application (specification, including claims, drawings, and oath or declaration). Petitioners have not established that diligent effort has been made to locate the non-signing inventor for presentation of the application papers.

Any renewed petition must be supported by evidence that sufficiently establishes that despite diligent effort, the non-signing inventor cannot be located. A statement of facts should be submitted that fully describes the exact facts that are relied on to establish that a *diligent effort* was made to locate the non-signing inventor. The statement of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay, will not normally be accepted. At the very least, a search of the internet, human resource records, telephone directories, etc. should be undertaken in regions where it is suspected the non-signing inventor may reside. Petitioners should reference and supply evidence of any such searches in a renewed petition. *See*, MPEP 409.03(d).

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration presented is unacceptable because it fails to identify the entire inventive entity in accordance with 37 CFR 1.63. Further, the declaration contains non-initialed changes.

A newly executed oath or declaration in compliance with 37 CFR 1.63 and 1.64 is required, and, further, should not contain non-initialed changes.

All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the non-signing joint inventor as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the non-signing inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the non-signing inventor(s), unless otherwise indicated. *See* MPEP 409.03.

As to item (3), the required petition fee of $200.00 has been charged to petitioners' deposit account as authorized.

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AMGEN INC.
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ONE AMGEN CENTER DRIVE
THOUSAND OAKS, CA 91320-1799

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MAY 13 2010

OFFICE OF PETITIONS

In re Application of :
Christopher STEENECK, *et al.* :
Application No. 12/001043 : DECISION GRANTING PETITION
Filed: December 7, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **A-1318-US-DIV** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 5, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 8, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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DOUGLAS RICHARD CLOUD
901 SOUTH I STREET, SUITE 101
TACOMA, WA 98405

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FEB 26 2009

OFFICE OF PETITIONS

In re Application of :
Douglas Richard Cloud :
Application No. 12/001,052 :
Filed: November 28, 2007 :
Attorney Docket No. 54X3262 :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed February 3, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on November 28, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

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 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This application is being referred to Technology Center AU 3623 for further processing.

Irvin Dingle
Petition 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
12/001,052	11/28/2007	Douglas Richard Cloud	54X3262

CONFIRMATION NO. 1866

Douglas Richard Cloud
Suite 101
901 South I Street
Tacoma, WA 98405

NONPUBLICATION RESCISSION LETTER

Date Mailed: 02/24/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/04/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Yu Lu
Ropes & Gray LLP
One International Place
Boston, MA 02110-2624

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DEC 2 0 2007

OFFICE OF PETITIONS

In re Application of Strelchenko et al. :
Application No. 12/001,088 : Decision on Petition
Filing Date: January 30, 2007 :
Attorney Docket No. 103080-0088-108 :

This is a decision in response to the petition filed October 26, 2007, requesting the application papers filed with the petition be accorded a filing date of January 30, 2007.

The petition is **dismissed as moot**.

On January 30, 2007, petitioner electronically filed the following as part of Application No. 10/155,904:

(1) A petition to revive under 37 CFR 1.137(b) for purposes of copendency with an application being filed on the same date, and
(2) The papers for the new application.

The Office apparently interpreted the application papers to be a copy of separate application papers being filed on the same date. The application papers filed with the petition were treated as evidence in support of the petition. However, petitioner intended the new application papers electronically filed in Application No. 10/155,904 to be assigned a new application number and processed as a new application.

The application papers filed January 30, 2007, have been removed from the file wrapper for Application No. 10/155,904, and assigned Application No. 12/001,088. On December 11, 2007, petitioner's deposit account was charged the following fees for Application No. 12/001,088: $150 for the filing fee, $250 for the search fee, and $100 for the examination fee.

Since the application papers filed January 30, 2007, will be processed as an application, the Office need not accord the copy of the application papers filed with the petition a filing date of January 30, 2007.

The Office of Patent Application Processing will process the application papers filed January 30, 2007, using Application No. 12/001,088, and the application will be examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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ALLAN M. SHAPIRO
4662 VIA DEL RANCHO
THOUSANDS OAKS CA 91320

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DEC 0 7 2009

OFFICE OF PETITIONS

In re Application of :
Michael D. Curry :
Application No. 12/001,133 : DECISION ON PETITION
Filed: December 8, 2007 :
Attorney Docket No. CURRY 681 :

This is a decision on the petition under 37 CFR 1.182, filed, August 13, 2009, to change the name of inventor "Mike Curry" to – Michael D. Curry --.

The petition is **DISMISSED**.

In the petition dated August 13, 2009, petitioner states that Inventor Mike Curry's name should be changed to "Michael D. Curry." However, petitioner has not provided the procedure by which the name changed was effected.

Further, the petition was not accompanied by the required petition fee as set forth in 37 CFR 1.17(a).

In view of the above, the petition under § 1.182 to change the inventor's name cannot be granted at this time.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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LIFE SCIENCES, INC.
2900 72ND STREET, NORTH
ST. PETERSBURG, FL 33710

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FEB 1 1 2008

OFFICE OF PETITIONS

In re Application of :
SRYBNIK, Simon et al. :
Application No. 12/001,137 : DECISION ON PETITION
Filed: December 10, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **SRY - 4** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 10, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Simon Srybnik 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.

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.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHARLES J. PRESCOTT, P.A.
SUITE 115
2033 WOOD STREET
SARASOTA FL 34237

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OFFICE OF PETITIONS

In re Application of
Yin-Xiong Li
Application No.12/001,142
Filed: December 10, 2007
Attorney Docket No. P-2074

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed January 18, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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SUGANDA JUTAMULIA
2108 JEFFERSON AVENUE
BERKELEY CA 94703

In re Application of :
Lanny L. Johnson et al. :
Application No. 12/001,163 : DECISION ON PETITION
Filed: December 10, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. NSI0701 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 10, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a 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 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 3711 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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TRIANGLE PATENTS, P.L.L.C.
P.O. BOX 28539
RALEIGH NC 27611-8539

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APR 28 2010

OFFICE OF PETITIONS

In re Application of	:	
David Moye	:	DECISION ON PETITION
Application No. 12/001,183	:	TO WITHDRAW
Filed: December 10 10, 2007	:	FROM RECORD
Attorney Docket No. 4058-001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by JiNan Glasgow on behalf of all attorneys of record who are associated with Customer No. 64843.

All attorneys/agents associated with Customer Number 64843 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is an outstanding Office action mailed November 24, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: David Moye
602 Oakwood Avenue
Raleigh, NC 27601

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OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
ONE LANDMARK SQUARE, 10th FLOOR
STAMFORD CT 06901-2682

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JAN 21 2009

OFFICE OF PETITIONS

In re Application of :
Knuth et al. :
Application No. 12/001,192 : DECISION ON PETITION
Filed: December 10, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 460.2380USX1 :

This is a decision on the petitions under 37 CFR 1.78(a)(3) and 37 CFR 1.182, filed January 5, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition and to expedite the petition under 37 CFR 1.78(a)(3).

The petitions are **GRANTED**.

The requirements of 37 CFR 1.182 to expedite the petition under 37 CFR 1.78(a)(3) have been satisfied. Accordingly, the petition under 37 CFR 1.78(a)(3) has been processed promptly.

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.

In regard to the statement of delay, 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.

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.

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 Christopher Bottorff at (571) 272-6692. Inquiries concerning the status of the application should be directed to the Office of Data Management at (571) 272-4200.

This application is being forwarded to the Office of Data Management for processing into a patent.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/001,192	12/10/2007	3721	1420	460.2380USX1	21	4

CONFIRMATION NO. 2017

CORRECTED FILING RECEIPT

OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
ONE LANDMARK SQUARE, 10th FLOOR
STAMFORD, CT 06901-2682

Date Mailed: 01/21/2009

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)

Rosemary Knuth, Congers, NY;
John Rousso, Trumbull, CT;
Richard Chomik, Orlando, FL;
John Cichello, Wooster, OH;
David Hayes, Wooster, OH;
Mark Yoho, Chagrin Falls, OH;
Jim Simer, Concord Twp., OH;

Assignment For Published Patent Application

PLAYTEX PRODUCTS, INC.

Power of Attorney:

Charles Ruggiero--28468
Paul Greeley--31019

Domestic Priority data as claimed by applicant

This application is a CON of 11/199,330 08/08/2005 ABN
which is a CON of 10/770,872 02/03/2004 PAT 6,925,781

Foreign Applications

If Required, Foreign Filing License Granted: 01/09/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/001,192**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

INTEGRATED CUTTING TOOL FOR WASTE DISPOSAL METHOD AND APPARATUS

Preliminary Class

053

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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JAMES G. O'NEILL
KLEIN, O'NEILL & DINGH, LLP
43 CORPORATE PARK
SUITE 204
IRVINE, CA 92606

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JAN 14 2008

OFFICE OF PETITIONS

In re Application of	:	
Kermit L. Achterman	:	
Application No. 12/001,241	:	DECISION ON PETITION
Filed: December 11, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1101-01-PA-J	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 11, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a 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 Office of Initial Patent Examination for processing.
This application will be accorded "special" status when pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

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KENNAMETAL INC.
Intellectual Property Department
P.O. BOX 231
1600 TECHNOLOGY WAY
LATROBE, PA 15650

Mail Date: 04/20/2010

Applicant	: Bernhard Borschert	: DECISION ON REQUEST FOR
Patent Number	: 7591617	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/001,246	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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BURTON H. SAGE, JR.
2453 IMPALA DR.
CARLSBAD, CA 92010

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DEC 1 0 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Burton H. Sage et al :
Application No. 12/001,252 :
Filed: December 12, 2007 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed October 14, 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 January 15, 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 March 16, 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

UNITED STATES DEPARTMENT OF COMMERCE
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

Mail Date: 04/21/2010

Applicant	: Jochen Erhardt	: DECISION ON REQUEST FOR
Patent Number	: 7607493	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/001,255	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Fumikazu Kanetaka	: DECISION ON REQUEST FOR
Patent Number	: 7576927	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/001,262	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **115** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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February 1, 2010

Diane Dunn McKay, Esq.
Porzio, Bromberg & Newman, P.C.
29 Thanet Road, Suite 201
Princeton, NJ 08540

Patent No.: 7,645,915 B2
Application No.: 12/001291
Inventor(s): Ching-Cheng Huang, et al.
Issued: January 12, 2010
Title: **COMPOSITE DRESSING**

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/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(571) 272-0460 (voice)
(571) 270-9892 (fax)

vt

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JUN 10 2010

OFFICE OF PETITIONS

MATHEWS, SHEPHERD, MCKAY, & BRUNEAU, P.A.
29 THANET ROAD, SUITE 201
PRINCETON, NJ 08540

In re Patent No. 7,645,915 :
Issue Date: January 12, 2010 :
Application No. 12/001,291 : ON PETITION
Filed: December 11, 2007 :
Attorney Docket No.: 4712-131 US :

This is a decision on the communication, filed April 19, 2010, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificates 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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

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NOV 2 1 2008

In re Application of :
Ebetino, et al. :
Application No.: 12/001,318 : ON PETITION
Filed: December 11, 2007 :
Attorney Docket No. 10669M& :

This is in response to the petition under 37 CFR 1.137(b) filed November 3, 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 January 16, 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. No responses were received within the allowable period and the application became abandoned on March 27, 2008. A Notice of Abandonment was mailed on September 23, 2008.

The declaration and surcharge filed November 3, 2008, are noted.

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

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OFFICE OF PETITIONS

LERNER DAVID LITTENBERG
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

In re Application of :
Shinobu Kuriya :
Application No. 12/001,333 : DECISION GRANTING PETITION
Filed: December 11, 2007 :
Attorney Docket No. SONYJP 3.3-268 :
DIV III

This is a decision on the "APPLICANT'S PETITION FOR DATE OF DEPOSIT PURSUANT TO 37 C.F.R. § 1.53(E)(2)", filed March 31, 2008, to accord the above identified application a filing date of December 11, 2007, with pages 33-36 of the specification as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on December 11, 2007. However, on February 5, 2008, the Office of Initial Patent Examination mailed applicant a "Notice to File Corrected Application Papers". Applicant was informed, *inter alia*, that the application had been accorded a filing date; however, pages 33-36 of the specification appeared to have been omitted.

In response, applicant filed the present petition, asserting that pages 33-36 of the specification were included with the application as filed. In support thereof, applicant included a postcard receipt identifying the application, itemizing

"Specification (68 pages)" as enclosed, and bearing a USPTO date stamp of March 31, 2008.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1]

Given the basis for granting this petition, the $400 petition fee has been refunded to Deposit Account No. 12-1095.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of December 11, 2007, using the application papers received in the Office on that date and the additional pages of specification (pages 33-36), filed with the petition on March 31, 2008.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

[1] See MPEP 503.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/001,333	12/11/2007	Shinobu Kuriya	SONYJP 3.3-268 DIV	2939

EXAMINER

7590 09/10/2009

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

ART UNIT	PAPER NUMBER
2112	

MAIL DATE	DELIVERY MODE
09/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/11/2009 NFARMER
12/13/2007 HNGUYEN1 00000002 121095 12001333
02 FC:1111 510.00 CR
04 FC:1201 840.00 CR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/001,359	12/11/2007	Shinobu Kuriya	SONYJP 3.3-268 DIV I	3331

7590 09/09/2009

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
CALDWELL, ANDREW T	

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
09/09/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/11/2009 NFARMER
12/13/2007 SSITHIB1 00000073 121095 12001359
02 FC:1111 510.00 CR
04 FC:1201 630.00 CR

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

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JUL 22 2008

In re Application of
Carcangiu et al.
Application No. 12/001,376
Filed: December 11, 2007
For: PHOTOVOLTAIC PANEL AND SOLAR-PANEL UNIT MADE USING PHOTOVOLTAIC PANELS OF THE SAME SORT

: DECISION GRANTING
: WITHDRAWAL OF PATENT
: APPLICATION PUBLICATION

This is a response to the applicants' request made on July 14, 2008, requesting withdrawal of the publication of the above-identified application, which published on April 24, 2008. Applicants in effect, request that the above-identified application be treated as an application that has **not** been published pursuant to 35 U.S.C. § 122(b) on April 24, 2008.

The Office published the above-identified application on April 24, 2008, based on the filing date of application IT 01306824 filed September 30, 1998, because the Office mistakenly considered the sentence in the specification of the above-identified application as a claim to the benefit of the application. Since the sentence in the specification is not a benefit claim to the application, the above-identified application should have been published after the expiration of eighteen months from the filing date of the above-identified application, September 30, 1998. Therefore, the Office published the above-identified application on April 14, 2008 in error.

The request is **granted** to the extent indicated below:

(1) The USPTO will withdraw the patent application publication for the above-identified application from its internal and external search databases for patent application publications;

(2) The USPTO's Patent Application Location and Monitoring (PALM) and Patent Application Information Retrieval (PAIR) Systems will be modified to indicate that copies of and access to the above-identified application are **not** to be provided pursuant to 37 CFR 1.14(c)(2) and 1.14(e)(2);

(3) The publication number will be added to a list of withdrawn publications on the USPTO web site; and

(4) The USPTO will notify external database providers and its patent data exchange partners which are intellectual property offices of the withdrawal.

The benefit claim to the related application has been removed from the Office records. The above-identified application will be rescheduled for publication.

Telephone inquiries specific to this decision should be directed to Mark Polutta at (571) 272-7709.

Robert W. Bahr
Senior Patent Attorney
Office of the Deputy Commissioner
for Patent Examination Policy

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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

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MAY 05 2009

OFFICE OF PETITIONS

In re Application of	:	
Samuel T. Basta	:	
Application No. 12/001,408	:	ON PETITION
Filed: December 10, 2007	:	
Attorney Docket No. BAST-1-1005	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed April 3, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the non-final Office action mailed August 21, 2008. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on November 22, 2008. The Office mailed a Notice of Abandonment on March 2, 2009.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 3672 for consideration of the Amendment filed April 3, 2009.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12001435	12/11/07	COLLETTI ET AL.	89190.063407/DP-316586

DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

EXAMINER
DAVID P.. BRYANT

ART UNIT	PAPER
3726	20080430

DATE MAILED: 11/20/09

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Attached is a decision on the petition filed 3/10/08 under 37 C.F.R. 1.48(a).

David P. Bryant
SPE
Art Unit: 3726

Correction of Inventorship

In view of the papers filed March 10, 2008, and March 20, 2008, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding Donald Borraccia as an inventor.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Contact Information

Any inquiry concerning this communication should be directed to DAVID P. BRYANT at telephone number (571)272-4526.

/David P. Bryant/
Supervisory Patent Examiner, Art Unit 3726

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ATER WYNNE, LLP
222 SW COLUMBIA, SUITE 1800
PORTLAND, OR 97201-6618

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JUN 09 2008

In re Application of :
SEMLER, et al. :
Application No. 12/001,505 : DECISION ON PETITION
Filed: December 11, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **103477-0005** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 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 the declaration of inventor Herbert J. Semler, M.D., attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3700.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 3735 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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1331 NW LOVEJOY ST. SUITE 900
PORTLAND OR 97209-2785

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OFFICE OF PETITIONS

In re Application of
Herbert J. Semler et al.
Application No. 12/001,505
Filed: December 11, 2007
Attorney Docket No: 103477-0005

: 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 17, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional applications 11/014,455 filed December 20, 2004 and 09/971,507 filed October 4, 2001.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1)

A review of Office computer database records indicates that there is a lack of common inventorship between the instant nonprovisional application and application no. 11/014,455, the nonprovisional application noted in the amendment submitted concurrently with the instant petition. The statute requires that the applications claiming benefit of the earlier filing date under 35 U.S.C. §119(e) or 120 be filed by an inventor or inventors named in the prior-filed nonprovisional or provisional application.

For the above-noted reasons, the petition under 37 CFR 1.78(a)(3) cannot be granted.

If reconsideration of this decision is desired, and in order to expedite consideration thereof, petitioner may wish to submit the renewed petition by facsimile transmission to the number indicated below and to the attention of the undersigned.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

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PORTLAND OR 97209-2785

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JAN 19 2010

In re Application of
Herbert J. Semler et al.
Application No. 12/001,505
Filed: December 11, 2007
Attorney Docket No: 103477-0005

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the RENEWED PETITION UNDER 37 C.F.R. § 1.78 TO ACCEPT AN UNINTENTIONALLY DELAYED 35 U.S.C. § 120 CLAIM FOR THE BENEFIT OF A PRIOR-FILED NON-PROVISIONAL APPLICATION filed November 12, 2009 under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed non-provisional applications 11/017,455 filed December 20, 2004 and 09/971,507 filed October 4, 2001.

The petition under 37 CFR 1.78(a)(3) 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.

Application no. 12/001,505 which was filed after November 29, 2000, matured into Patent No. 7,628,760 on December 8, 2009. The claim for the benefit of priority to a prior-filed nonprovisional application was submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and prior to the patent grant. Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition filed September 17, 2009 under 37 CFR 1.78(a)(3) was dismissed in a decision mailed October 26, 2009 because a review of Office computer database records indicated that there is a lack of common inventorship between the instant nonprovisional application and the nonprovisional application noted in the amendment submitted concurrently with that petition.

The statute requires that the applications claiming benefit of the earlier filing date under 35 U.S.C. §119(e) or 120 be filed by an inventor or inventors named in the prior-filed nonprovisional or provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

This application is being forwarded to the Certificates of Corrections branch for an issuance of a certificate of correction noting the priority claim to prior-filed non-provisional applications 11/017,455 filed December 20, 2004 and 09/971,507 filed October 4, 2001.

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. Any questions regarding the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Anthony Knight
Supervisor
Office of Petitions

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STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

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JAN 0 8 2008

OFFICE OF PETITIONS

In re Application of :
CHARNITSKI, Richard :
Application No. 12/001,535 : DECISION ON PETITION
Filed: December 12, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **HRATE-008A** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 12, 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 Richard Charnitski, 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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WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA CA 95050

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DEC 0 8 2008

OFFICE OF PETITIONS

In re Application of :
Wang et al. :
Application No. 12/001,554 : DECISION ON PETITION
Filed: December 11, 2007 :
Title: Power Connector with Grounding Element :

This is a decision on the petition, filed October 20, 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 under 37 CFR 1.181 is **DISMISSED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before July 18, 2008, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed April 18, 2008. A Notice of Abandonment was mailed on August 20, 2008.

Petitioner asserts that the Notice dated April 18, 2008 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application

file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition fails to satisfy all of the above-stated requirements. Items (1) and (3) have not been satisfied.

As to item (1), petitioner needs to describe the system used for recording Office actions and establish that the system was sufficiently reliable.

As to item (3), a review of the docket records shows that petitioner has failed to provide master docket records for the firm. Nor has petitioner stated that a master docket does not exist. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP 711.03(c). Petitioner has only provided an individual docket record for the above-identified application.

Accordingly, absent the required evidence to establish nonreceipt of the Notice of April 18, 2008, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

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 $1620.00 petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450

Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Li-Bin Wang et al
Application No. 12/001,554
Filed: December 11, 2007
Attorney Docket No.

ON PETITION

This is a decision on the petition filed July 20, 2009 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 submit the Issue fee and Publication Fee in a timely manner in reply to the Notice of Allowance mailed April 17, 2008, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 18, 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 payment of the Issue fee and Publication Fee; (2) the petition fee; (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

In re Patent No.: 7,520,322 :
Issued: April 21, 2009 :
Application No. 12/001,621 : NOTICE
Filed: December 11, 2007 :
Attorney Docket No. 60985/D190 :

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 application/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) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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ROBERT G. LEV
4766 MICHIGAN BLVD.
YOUNGSTOWN OH 44505

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MAR 03 2008

In re Application of	:	
Simon Girshovich et al.	:	
Application No. 12/001,622	:	DECISION ON PETITION
Filed: December 11, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 0276-005	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 11, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the first named applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2855 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Cosburn Wedderburn JR
PO Box 46023
Baltimore MD 21240

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DEC 0 8 2008

OFFICE OF PETITIONS

In re Application of
Wedderburn et al.
Application No. 12/001,654
Filed: December 12, 2007
Title: Air Electronic Vehicle

ON PETITION

This is in response to the communication, filed October 29, 2008, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

The petition has **not** been reviewed on the merits because the petition provided has not been properly signed.

Pursuant to 37 CFR 1.33, amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered attorney or agent of record appointed in compliance with § 1.34(b);

(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Cosburn H. Wedderburn , Jr.) was ever given a power of attorney to act on behalf of inventors Cosburn Henry Wedderburn, Jr. and Cosburn Wedderburn, Sr., or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b),

Further Correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
12/001,654	12/12/2007	Cosburn Wedderburn JR.	

CONFIRMATION NO. 3252

Cosburn Wedderburn JR
PO Box 46023
Baltimore, MD 21240

FORMALITIES LETTER

OC000000027908706

Date Mailed: 01/28/2008

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The substitute specification must be submitted with markings and be accompanied by a clean version (without markings) as set forth in 37 CFR 1.125(c) and a statement that the substitute specification contains no new matter (see 37 CFR 1.125(b)). The specification, claims, and/or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The line spacing on the specification, claims, and/or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).
  - The specification was submitted in multiple column format and is not suitable for electronic reproduction (see 37 CFR 1.52(a)).
- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 4.
  - The drawings submitted to the Office are not electronically reproducible because portions of figures 4, 6 are missing and/or blurry.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of **$65** for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$70** for a small entity

- **$65** Surcharge.
- The application examination fee has not been paid. Applicant must submit **$105** to complete the examination fee for a small entity in compliance with 37 CFR 1.27.

(A previous payment of **$100** will be applied to the additional fees indicated above.)

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/mkoroma/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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United States Patent and Trademark Office
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Cosburn Wedderburn JR
PO Box 46023
Baltimore MD 21240

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of
Wedderburn et al.
Application No. 12/001,654
Filed: December 12, 2007
For: Air Electric Vehicle

ON PETITION

This is in response to the communication, filed January 7, 2009, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On January 28, 2008, the Office mailed a Notice to File Corrected Application Papers, which set a two month shortened statutory period to reply. The application became abandoned on March 29, 2008, for failure to submit a timely response to the Notice to File Corrected Application Papers. On October 3, 2008, the Office mailed a Notice of Abandonment. A petition filed under 37 CFR 1.181 was dismissed December 8, 2008.[1]

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the Notice. Specifically, petitioner states that the Notice to File Corrected Application Papers was never received. In support petitioner has provided monthly ledgers, which, petitioner states, is his method of tracking mail and monthly bills.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice to File Corrected Application Papers, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

[1] A phone call confirmed that there are only two inventors.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the Notice of January 28, 2008, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after January 28, 2008, to demonstrate nonreceipt of the Notice. Although petitioner has provided a copy of the monthly ledgers, petitioner must explain the system, where he would keep the correspondence and how he knows that replies are due. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the Notice to File Corrected Application Papers was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after January 28, 2008; the period when he would have received the Notice. Petitioner should also state if other people (including a spouse) have access to the P.O. Box.

In the present petition, petitioner did not submit sufficient statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the Notice to File Corrected Application Papers Office action. Therefore, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the Notice Office action accompanies this decision for petitioner's convenience.

ALTERNATIVE VENUE

Petitioner may wish to file a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Notice to Corrected Application Papers dated January 28, 2008.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/001,654	12/12/2007	Cosburn Wedderburn JR.	

CONFIRMATION NO. 3252

Cosburn Wedderburn JR
PO Box 46023
Baltimore, MD 21240

FORMALITIES LETTER

OC000000027908706

Date Mailed: 01/28/2008

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The substitute specification must be submitted with markings and be accompanied by a clean version (without markings) as set forth in 37 CFR 1.125(c) and a statement that the substitute specification contains no new matter (see 37 CFR 1.125(b)). The specification, claims, and/or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The line spacing on the specification, claims, and/or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).
  - The specification was submitted in multiple column format and is not suitable for electronic reproduction (see 37 CFR 1.52(a)).
- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 4.
  - The drawings submitted to the Office are not electronically reproducible because portions of figures 4, 6 are missing and/or blurry.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of **$65** for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$70** for a small entity

- **$65** Surcharge.
- The application examination fee has not been paid. Applicant must submit **$105** to complete the examination fee for a small entity in compliance with 37 CFR 1.27.

(A previous payment of **$100** will be applied to the additional fees indicated above.)

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/mkoroma/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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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Baltimore MD 21240

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JUN 16 2009

OFFICE OF PETITIONS

In re Application of :
Wedderburn et al. :
Application No. 12/001,654 : ON PETITION
Filed: December 12, 2007 :
For: Air Electric Vehicle :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 1, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

On January 28, 2008, the Office mailed a Notice to File Corrected Application Papers, which set a two month shortened statutory period to reply. The application became abandoned on March 29, 2008, for failure to submit a timely response to the Notice to File Corrected Application Papers. On October 3, 2008, the Office mailed a Notice of Abandonment. Petitions filed under 37 CFR 1.181 were dismissed on December 8, 2008 and March 16, 2009.[1]

The petition has **not** been reviewed on the merits because the petition has not been properly signed.

In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;

[1] A phone call confirmed that there are only two inventors.

(3) An assignee as provided for under §3.71(b) of this chapter; or
(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The petition is not properly signed because both inventors have failed to execute the petition.

Petitioner should also note that the current examination fee is $110.00.

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
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may 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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JUL 20 2009

OFFICE OF PETITIONS

Cosburn Wedderburn JR
PO Box 46023
Baltimore MD 21240

In re Application of :
Wedderburn et al. :
Application No. 12/001,654 : DECISION ON PETITION
Filed: December 12, 2007 :
For: Air Electric Vehicle :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 26, 2009, to revive the above-identified application.

The petition is **GRANTED**.

On January 28, 2008, the Office mailed a Notice to File Corrected Application Papers, which set a two month shortened statutory period to reply. The application became abandoned on March 29, 2008, for failure to submit a timely response to the Notice to File Corrected Application Papers. On October 3, 2008, the Office mailed a Notice of Abandonment. Petitions filed under 37 CFR 1.181 were dismissed on December 8, 2008, March 16, 2009 and June 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, corrected specification and $65 surcharge fee (2) the petition fee of $810.00, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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APR 30 2010

Cosburn Wedderburn JR
PO Box 46023
Baltimore MD 21240

In re Application of	:	
COSBURN WEDDERBURN et al.	:	DECISION ON PETITION
Application No. 12/001,654	:	TO MAKE SPECIAL UNDER
Filed: December 12, 2007	:	THE GREEN TECHNOLOGY
Attorney Docket No.	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102(c)(2), filed April 2, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3618 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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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FITZPATRICK CELLA (MARVELL)
30 ROCKEFELLER PLAZA
NEW YORK NY 10112-3800

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DEC 0 8 2008

In re Application of :
PAZ, Nir :
Application No. 12/001,664 : DECISION ON PETITION
Filed: December 11, 2007 : TO WITHDRAW
Attorney Docket No. **MP1619** : 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 31, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Michael K. O'Neill 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **MARVELL PATENT DEPARTMENT C/O KELVIN VIVIAN**
5488 MARVELL LANE
SANTA CLARA CA 95054

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SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

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AUG 0 6 2009

OFFICE OF PETITIONS

In re Application of :
Mou-Shiung LIN, et al. :
Application No. 12/001,676 : DECISION GRANTING PETITION
Filed: December 12, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **MEG04-019CCC_CON** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 5, 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 July 7, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2811 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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Thomson Licensing LLC
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Two Independence Way
PRINCETON NJ 08543-5312

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AUG 10 2009

OFFICE OF PETITIONS

In re Application of :
Jean-Francois Pintos, et al. :
Application No. 12/001,720 : DECISION ON PETITION
Filed: December 12, 2007 :
Attorney Docket No. PF060181 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 22, 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 June 16, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed March 16, 2009. Accordingly, the date of abandonment of this application is June 17, 2009. The Notice of Abandonment was mailed June 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510 and the publication fee of $300, (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Williams at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JACKSON WALKER, L.L.P.
112 E. PECAN, SUITE 2400
SAN ANTONIO TX 78205

RECEIVED

JAN 02 2009

OFFICE OF PETITIONS

In re Application of :
John Kam Ho Lee :
Application No. 12/001,725 : ON PETITION
Filed: December 12, 2007 :
Attorney Docket No. P-129015.3 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 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 (Notice), mailed February 1, 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 April 2, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item 1.

The Notice to File Missing Parts of Nonprovisional Application, mailed February 1, 2008 required several items to avoid abandonment to include a properly executed oath or declaration, substitute specification, and replacement drawings. Petitioner, for correcting the specification, only provided a replacement sheet of page 1, which is not a substitute specification as required by the Notice.

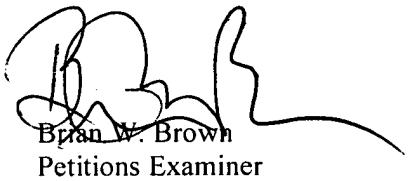
Further correspondence with respect to this matter should be addressed as follows:

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 Denise Williams at (571) 272-8930.



Brian W. Brown
Petitions Examiner
Office of Petitions

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JACKSON WALKER, L.L.P.
112 E. PECAN, SUITE 2400
SAN ANTONIO TX 78205

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of :
John Kam Ho Lee :
Application No. 12/001,725 : DECISION ON PETITION
Filed: December 12, 2007 :
Attorney Docket No. P-129015.3 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 4, 2009, to revive the above-identified application.

The renewed petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a properly executed oath or declaration, a substitute specification, and 3 sheets of replacement drawings (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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.

Brian W. Brown
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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BRIAN ROFFE, ESQ
11 SUNRISE PLAZA
SUITE 303
VALLEY STREAM, NY 11580-6111

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JUL 25 2008

OFFICE OF PETITIONS

In re Application of :
David M. Stravitz :
Application No. 12/001,741 : DECISION ON PETITION
Filed: December 12, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 132.116 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 12, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's drivers license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2854 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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SQUIRE, SANDERS & DEMPSEY, LLP
1 MARITIME PLAZA
SUITE 300
SAN FRANCISCO, CA 94111

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JAN 28 2009

OFFICE OF PETITIONS

In re Application of
Bin Huang, et. al.
Application No. 12/001,777
Filed: December 11, 2007
Attorney Docket No. 62571.171

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 4, 2008, to revive the above-identified application.

This application became abandoned for failure to file a response to the Notice to File Missing Parts of Non-provisional Application mailed January 16, 2008. A Notice of Abandonment was mailed on October 31, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $310 for the basic filing fee, $510 for the search fee, $210 for the examination fee, $130 for the surcharge, $470 in claim fees, an executed oath/declaration and seven sheets of replacement drawings containing Figures 1-7; (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 a Rescission of Previous Non-Publication Request and $1,110 for a three months extension of time filed on November 4, 2008. 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 in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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HOWARD M ELLIS
SIMPSON & SIMPSON PLLC
5555 MAIN STREET
WILLIAMSVILLE NY 14221

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Zahner, et al.	:	DECISION ACCORDING STATUS
Application No. 12/001,831	:	UNDER 37 CFR 1.47(a)
Filed: December 13, 2007	:	
Attorney Docket No. LUKP:267US	:	
	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 23, 2008.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has demonstrated that inventor Derrick Zahner has refused to sign the declaration after having been presented with the application papers. Petitioner states that a copy of the application papers was forwarded to Zahner on March 24, 2008. However, as of the date of the petition, no executed declaration has been received.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DERRICK ZAHNER
623 COMMERCIAL AVE SW
NEW PHILADELPHIA OH 44663

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JUN 23 2008

OFFICE OF PETITIONS

In re Application of
Derrick Zahner, David Avins
Application No. 12/001,831
Filed: April 29, 1999
Title: Compact Discharged Pumped Soft X-Ray Laser

LETTER

Dear Mr. Zahner:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

17 APR 2008

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FSP LLC
Attn: Charles A. Mirho
P.O. BOX 890
VANCOUVER WA 98666

In re Application of	:	
PROVENZANO, et al.	:	DECISION ON PETITION
Application No.: 12/001,837	:	
Filing Date: 12 December 2007	:	UNDER 37 CFR 1.182
Atty. Docket No.: FSP0164	:	

This is a decision on applicant's "PETITION TO CORRECT PRIORITY AND FILING STATUS FOR AN APPLICATION FOR PATENT" filed 08 April 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 June 2006, applicant filed international application PCT/US06/22880, which claimed priority of an earlier United States application filed 14 June 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 December 2007.

On 12 December 2007, applicant filed a utility patent application transmittal letter in the United States, which was accompanied by payment of the $1130 in fees. The application was processed as a filing under 35 U.S.C. 111(a).

On 17 January 2008, applicant was mailed a "NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b)."

On 08 April 2008, applicant responded with the present petition seeking processing of the present application under 35 U.S.C. 371.

DISCUSSION

Applicant's transmittal letter filed 12 December 2007 did not request treatment under 35 U.S.C. 371 but rather merely identified the application as a "Utility patent application." Similarly, the filing and examination fees are identified as utility patent application fees. Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). (See 37 CFR 1.494(f) and 37 CFR 1.495(g)).

In addition, the fee transmittal letter lists the search fee as a "search for a national stage utility application..." while the filed Application Data Sheet (ADS) identifies the application as

both a "Regular Utility" (Page one of the ADS) and "a national stage application of PCT application...." (Page three of the ADS).

I

Section 1893.03(a), page 1800-114 of the MPEP states that "[i]f there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a)." As such, the application was properly treated as an application under 35 U.S.C. 111 and 37 CFR 1.53.

Regarding applicant's request for the application to be entitled to recognition that it was filed under 35 U.S.C. 371, U.S. statutes and regulations do not make specific provisions for converting an application filed under 35 U.S.C. 111 to a National stage application under 35 U.S.C. 371 and as such, the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (i.e., the loss of patent rights) where no other remedy is available. Said petitions can be filed under 37 CFR 1.182.

Applicant is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, if this application (Application No. 12/001,837) and the international application (PCT/US06/22880) designating the United States were copending on 12 December 2007. In order to obtain benefit of the earlier international application, applicant must amend the beginning of the specification of this application by inserting a proper reference to the parent international application. An appropriate passage would be, "This is a continuation of international application PCT/US06/22880, filed 14 June 2005 which designated the United States and is now abandoned."

Applicant is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit a certified copy of the priority document. The certified copy of priority document submitted to the International Bureau for the national stage cannot be relied upon to perfect the claim for priority. See MPEP § 1896.

It is also noted that, should applicant desire the present application to be treated as a continuation of the PCT application, the claim of benefit to the international application must be in compliance with the requirements of 37 CFR 1.78.

Applicant is advised that the period for responding to the Office action mailed 17 January 2008 continues to run.

CONCLUSION

The petition to convert the application from a 35 U.S.C. 111 filing to a national stage application under 35 U.S.C. 371 is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** to file a proper response as detailed

above. The response should be titled, "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required.

Please direct future correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FSP LLC
Attn: Charles A. Mirho
P.O. BOX 890
VANCOUVER WA 98666

In re Application of :
PROVENZANO, et al. :
U.S. Application No.: 12/001,837 : DECISION ON PETITION
PCT No.: PCT/US06/22880 :
Int. Filing Date: 12 June 2006 : UNDER 37 CFR 1.182
Priority Date: 14 June 2005 :
Attorney's Docket No.: FSP0164 :
For: CACHING OF INFORMATION ACCORDING :
TO POPULARITY :

This is a decision on applicant's "Renewed Petition Under 37 CFR 1.182" filed 04 June 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 June 2006, applicant filed international application PCT/US06/22880, which claimed priority of an earlier United States application filed 14 June 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 December 2007.

On 12 December 2007, applicant filed a utility patent application transmittal letter in the United States, which was accompanied by payment of the $1130 in fees. The application was processed as a filing under 35 U.S.C. 111(a).

On 17 January 2008, applicant was mailed a "NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b)."

On 08 April 2008, applicant responded a petition seeking processing of the present application under 35 U.S.C. 371.

On 17 April 2008, applicant was mailed a decision dismissing applicant's petition and affording applicant two months to file any request for reconsideration.

On 04 June 2008, applicant filed the renewed petition considered herein.

DISCUSSION

As detailed in the decision mailed 17 April 2008, applicant's transmittal letter filed 12

December 2007 did not request treatment under 35 U.S.C. 371 but rather merely identified the application as a "Utility patent application." Similarly, the filing and examination fees were identified as utility patent application fees. Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). (See 37 CFR 1.494(f) and 37 CFR 1.495(g)).

Upon further consideration it has been determined that the papers filed 12 December 2007 while not clearly indicating the intention to file a U.S. national stage application under 35 U.S.C. 371 did not reference 37 CFR 1.53(b). As such, it has been determined that the filing instructions while unclear were not conflicting as to the intent of the applicant and the filing will be processed as a U.S. national stage filing.

Applicant is advised that continued processing as a 35 U.S.C. 111(a) application would have required a petition under 37 CFR 1.78 to excuse the delay in priority claim including payment of the $1410.00 petition fee.

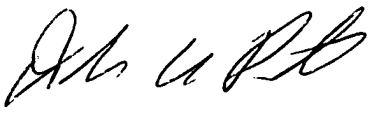
An examination of the papers filed 12 December 2007 finds that applicant identified the international application as 06/22880. 37 CFR 1.5 requires that applicant when an applicant's correspondence concerns a previously filed application for a patent it must clearly indicate the number. Further, in cases where the number is not clearly identified, the paper will be returned to applicant with instructions that if the returned correspondence, "is resubmitted to the Patent and Trademark Office within two weeks of the mail date on the cover letter, the original date of receipt of the correspondence will be considered by the Patent and Trademark Office as the date of receipt of the correspondence."

In the present case, applicant has provided the USPTO the full international application, PCT/US06/22880 prior to the USPTO returning the correspondence. As such, the payment of the full, U.S. basic national fee for national stage entry of PCT/US06/22880 is considered as having been provided on 12 December 2007, prior to the expiration of thirty months from the claimed priority date.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.182 is **DISMISSED as moot**.

This application is being returned to PCT Operations, National Stage Processing for processing of the application as the U.S. National stage application of PCT/US06/22880 under 35 U.S.C. 371.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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KOLISCH HARTWELL, P.C.
520 SW YAMHILL STREET, SUITE 200
PORTLAND OR 97204

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MAY 30 2008

OFFICE OF PETITIONS

In re Application of :
Adams et al. :
Application No. 12/001,838 : DECISION ON PETITION
Filed: December 12, 2007 :
Attorney Docket No. NPW 3A8 :

This is in response to the Request for a Corrected Filing Receipt, filed February 27, 2008, and resubmitted on February 28, 2008, which is being treated as a petition under 37 CFR 1.10(c) to accord the application a filing date of December 12, 2007, instead of the present filing date of December 13, 2007. Additionally, this is a decision on the "PETITION FOR DATE OF DEPOSIT -RESPONSE TO OMITTED ITEMS" filed February 28, 2008, which is being treated as a petition under 37 CFR 1.53(e) to accord the application a filing date of December 12, 2007, with page 8 of the specification as part of the original disclosure.

Petitioners assert that the application was deposited in Express Mail Service on December 12, 2007. In support, the petition is accompanied by a copy of Express Mail receipt No. EV514657011US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of December 12, 2007.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label. See MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on December 12, 2007. Accordingly, the petition under 37 CFR 1.10(c) is **granted**.

As indicated above, petitioners filed the above-identified application on December 12, 2007. On February 15, 2008, the Office of Patent Application Processing (hereafter OPAP) mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date , but advising petitioners that page 8 of the specification appeared to have been omitted.

In response, on February 28, 2008, petitioners submitted the present petition, page 8 of the specification, and a copy of the return, date-stamped postcard receipt. Initially, the Office notes that the postcard receipt does not serve as prima facie evidence that page 8 of the specification was submitted on filing. Specifically, petitioners identified the application papers on the postcard as "PA w/ 4 sheets of drawings." Thus, petitioners did not clearly identify and

separately list all of the parts of the application on the postcard for which the receipt was requested. See MPEP 503

Pursuant to MPEP 503,

> If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard for which a receipt is requested. ...
>
> The identifying data on the postcard should be so complete as to clearly identify the item for which a receipt is requested. ... If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).
>
> The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard.

Nevertheless, upon review of the record, page 8 of the specification has been located among the application papers submitted on filing. Therefore, the Notice of Omitted Item(s) in a Nonprovisional Application was mailed in error. The application will be accorded a filing date of December 12, 2007, with page 8 of the specification as part of the original disclosure. Accordingly, the petition under 37 CFR 1.53(e) is **granted**. The $400.00 petition fee is unnecessary and will be refunded to the Deposit Account as requested.

This application file is being referred to the OPAP for correction of the filing date to December 12, 2007, using page 8 of the specification submitted on filing, and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3211. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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MCCARTER & ENGLISH, LLP NEWARK
FOUR GATEWAY CENTER
100 MULBERRY STREET
NEWARK NJ 07102

COPY MAILED
FEB 01 2010

In re Application of :
Robert Cary Maleeny et al. :
Application No. 12/001,847 : DECISION ON PETITION
Filed: December 13, 2007 : TO WITHDRAW
Attorney Docket No. 116190-00002 : 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 10, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Michael R. Friscia and attorneys/agents associated with customer number 27614: (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. There is no indication in the records of this application that a power of attorney was filed.

The request to change the correspondence address is accepted and will be changed to that of the address noted on the request.

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: Robert Cary Maleeny
16 Mohawk Drive
Ramsey, NJ 07446

UNITED STATES PATENT AND TRADEMARK OFFICE

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CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO CA 92111

MAILED

MAY 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Young Kook Cho	:	DECISION ON PETITION
Application No. 12/001,849	:	TO WITHDRAW
Filed: December 13, 2007	:	FROM RECORD
Attorney Docket No. CHOH-5	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed April 12, 2010 and April 13, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Calif Tervo on behalf of all attorneys of record associated with Customer Number 31560. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

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. Edward Young Cho, is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed March 19, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO CA 92111

MAILED

JUN 15 2010

OFFICE OF PETITIONS

In re Application of :
Young Kook Cho :
Application No. 12/001,849 :
Filed: December 13, 2007 :
Attorney Docket No. CHOH-5 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 26, 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 Calif Tervo on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is an outstanding Office action mailed March 19, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Young Kook Cho
3803 Swallow View NE
Marietta, GA 30066

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	: Dimitar T. Trifonov	: DECISION ON REQUEST FOR
Patent Number	: 7586368	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/001,853	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **82** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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IRVING M. FISHMAN
89 HEADQUARTERS PLAZA
SUITE 1422, NORTH TOWER
MORRISTOWN, NJ 07960

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Application of :
Barbara L. Jennings-Spring :
Application No. 12/001,869 :
Filed: December 13, 2007 :
Attorney Docket No. 147.002 :

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 May 17, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Irving M. Fishman on behalf of all practitioners of record.

Irving M. Fishman and all attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: BARBARA BROOKE JENNINGS-SPRING
10844 NORTH DOGWOOD TRAIL
JUPITER, FL 33478

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
12/001,869	12/13/2007	Barbara L. Jennings-Spring	147.002

CONFIRMATION NO. 4929

POWER OF ATTORNEY NOTICE

90034
Irving M. Fishman
89 Headquarters Plaza
Suite 1422, North Tower
Morristown, NJ 07960

Date Mailed: 07/02/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/17/2010.

- 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.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Paper No.

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

COPY MAILED

MAR 31 2008

OFFICE OF PETITIONS

In re Application of :
Etsuro Kawakami et al. :
Application No. 12/001,873 : DECISION ON PETITION
Filed: December 13, 2007 : PURSUANT TO 37 C.F.R.
Attorney Docket No.: 07771/LH : § 1.182
Title: LENS SYSTEM AND :
PROJECTOR UTILIZING THE SAME :

This is a decision on the "[p]etition" filed March 14, 2008, requesting that the above-identified application, including page 58 of the specification, be accorded a filing date of December 13, 2007 as part of the original disclosure. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182.

The application was deposited on December 13, 2007. However, on February 1, 2008, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (notice), stating that the application had been accorded a filing date, and advising applicants that page 58 of the specification appeared to have been omitted. The notice set a two-month period of reply.

In response, on March 14, 2008, this petition was filed. The petition is further accompanied by a copy of applicants' postcard receipt acknowledging receipt of "spec, claims, Abstract (pages 1-59)" in the United States Patent and Trademark Office (Office) on December 13, 2007. Petitioner requests that page 58 of the specification be accorded a filing date of December 13, 2007.

Receipt of the petition fee is acknowledged.

It is noted that 48 pages of specification (pages numbered 1-48), 9 pages of claims (pages numbered 49-57), and a 1 page abstract (the page is numbered "59") have been located in the electronic file.

Upon review of the record, the above-mentioned page has not been located among the application papers. However, the evidence is convincing that the application papers deposited on December 13, 2007 included page 58 of the specification, and this sheet was subsequently misplaced in the Office.

Therefore, the application, including page 58 of the specification, was complete on filing and entitled to a filing date of December 13, 2007 as part of the original disclosure.

Petitioner has asserted "a duplicate copy of page 58 of the specification" was included with this petition, however the electronic file has been reviewed, and **a copy of this page has not been located.**

It follows that there is no copy of page 58 of the specification to enter into the electronic file. Since a copy of page 58 has not been located, even if this petition were to be granted, the file would still be incomplete.

Accordingly, the petition must be **DISMISSED.**

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. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should contain a second request for the refund of the petition fee.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[4].

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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

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

It is noted that Petitioner has indicated:

> It is believed by the undersigned that the USPTO may have thought page 58 was a blank page and discarded the page, when in fact page 58 includes the following at the upper left corner of page 58:
>
> --4.–

As such, it is possible that Petitioner included a copy of this page with this petition, and this page was mistaken for a blank page and discarded by Office personnel. Therefore, **Petitioner may wish to either enclose a copy of page 58 of the specification within an envelope that is entitled "proprietary[5]," or submit this page via EFS-Web.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[6]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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5 See M.P.E.P. § 724.02

6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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JUN 09 2008

OFFICE OF PETITIONS

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	
Etsuro Kawakami et al.	:	
Application No. 12/001,873	:	DECISION ON RENEWED PETITION
Filed: December 13, 2007	:	PURSUANT TO 37 C.F.R.
Attorney Docket No.: 07771/LH	:	§ 1.182
Title: LENS SYSTEM AND	:	
PROJECTOR UTILIZING THE SAME	:	

This is a decision on the renewed petition filed April 14, 2008 pursuant to 37 C.F.R. § 1.182, requesting that the above-identified application, including page 58 of the specification, be accorded a filing date of December 13, 2007 as part of the original disclosure.

This renewed petition is **GRANTED.**

The application was deposited on December 13, 2007. However, on February 1, 2008, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (notice), stating that the application had been accorded a filing date, and advising applicants that page 58 of the specification appeared to have been omitted. The notice set a two-month period of reply.

An original petition pursuant to 37 C.F.R. § 1.182 was filed on March 14, 2008, and was dismissed via the mailing of a decision on March 31, 2008. The decision on the original petition set forth, *in pertinent part*:

> Upon review of the record, the above-mentioned page has not been located among the application papers. However, the evidence is

> convincing that the application papers deposited on December 13, 2007 included page 58 of the specification, and this sheet was subsequently misplaced in the Office.
>
> Therefore, the application, including page 58 of the specification, was complete on filing and entitled to a filing date of December 13, 2007 as part of the original disclosure.
>
> Petitioner has asserted "a duplicate copy of page 58 of the specification" was included with this petition, however the electronic file has been reviewed, and **a copy of this page has not been located.**
>
> It follows that there is no copy of page 58 of the specification to enter into the electronic file. Since a copy of page 58 has not been located, even if this petition were to be granted, the file would still be incomplete.

With this renewed petition, a duplicate copy of page 58 has been provided.

The notice mailed February 1, 2008 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee of $400 will be refunded to Petitioner's Deposit Account in due course.

The Office of Patent Application Processing (OPAP) will be notified that the application should receive a filing date of December 13, 2007, using the original application papers filed on that date, as well as the single page of specification submitted on April 14, 2008, and it will be noted in Office records that page 58 of the specification was present on filing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

30 SEP 2008

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FSP LLC
P.O. BOX 890
VANCOUVER WA 98666

In re Application of	:	
MUTALIK et al.	:	
Application No.: 12/001,929	:	DECISION
PCT No.: PCT/US2006/023641	:	
Int. Filing Date: 13 June 2006	:	
Priority Date: 13 June 2005	:	
Attorney Docket No.: FSP0301	:	
For: FOUR QUADRANT LINEARIZER	:	

This decision is in response to applicants' "PETITION TO CORRECT PRIORITY AND FILING STATUS FOR AN APPLICATION FOR PATENT", which has been properly treated as a petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office (USPTO) on 08 April 2008. The petition fee has been paid.

BACKGROUND

On 13 June 2006, applicants filed international application PCT/US2006/023641, which designated the United States and claimed a priority date of 13 June 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 05 July 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 December 2007.

On 12 December 2007, applicants filed submission for a new application in the United States which was accompanied by, *inter alia*, a specification, claims, abstract, drawings, and an Application Data Sheet (ADS).

On 07 February 2008, a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b) Filing Date Granted was mailed requiring, *inter alia*, an oath or declaration of inventors and a substitute specification.

On 08 April 2008, applicants submitted a petition under 37 CFR 1.182.

On 16 April 2008, applicants submitted a declaration of inventors.

On 25 April 2008, a NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL) Filing Date Granted was mailed indicating that a substitute specification was required.

On 07 May 2008, applicants submitted, *inter alia*, a substitute specification.

On 22 May 2008, a second NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL) Filing Date Granted was mailed indicating again that a substitute specification was required.

On 11 July 2008, applicants filed a supplemental petition under 37 CFR 1.182.

On 16 July 2008, a Filing Receipt was mailed indicating that the instant application is a continuation of PCT/US06/23641 filed 13 June 2006.

DISCUSSION

Petition Under 37 CFR 1.182 filed 08 April 2008

This petition requests that the application papers filed 12 December 2007 be treated as a national stage under 35 U.S.C. 371 rather than as a nonprovisional application under 35 U.S.C. 111(a).

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
>
> * * *
>
> To clearly indicate an international application is being filed under 35 U.S.C. 371 the applicant should use the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter.
>
> Alternatively, one of the following indications may be used:
>
> 1) the applicant shall clearly state in the transmittal or cover letter that he or she is filing under 35 U.S.C. 371 or entering the national stage under PCT; or

2) the applicant clearly identifies in the oath or declaration the specification to which it is directed by referring to a particular international application by PCT Serial Number and International Filing Date and that he or she is executing the declaration as, and seeking a U.S. Patent as, the inventor of the described in the identified international application.

The transmittal letter filed 12 December 2007 states that the "present application claims priority to: PCT application entitled FOUR QUADRANT LINEARIZER, having application number 06/23641, filed on Tuesday, June 13, 2006." The specification filed 12 December 2007 also states that the "present application claims priority to: PCT application entitled FOUR QUADRANT LINEARIZER, having application number 06/23641, filed on Tuesday, June 13, 2006." These statements are ambiguous as to whether the priority is claimed under 35 U.S.C. 371 or 35 U.S.C. 120. However, the ADS filed 12 December 2007 states that the "application is a national stage application corresponding to PCT application having the title FOUR QUADRANT LINEARIZER, having application number 06/23641, filed on Tuesday, June 13, 2006" (emphasis added). There were no conflicting instructions. Accordingly, the application should have been treated as a national stage application of international application PCT/US06/23641 submitted under 35 U.S.C. 371. Thus, the petition under 37 CFR 1.182 is MOOT.

The NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b) Filing Date Granted mailed 07 February 2008, the NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL) Filing Date Granted mailed 25 April 2008, the second NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL) Filing Date Granted mailed 22 May 2008, and the Filing Receipt mailed 16 July 2008 are all hereby VACATED.

Declaration of Inventors

The declaration of inventors filed 16 April 2008 is in compliance with 37 CFR 1.497(a)-(b).

Supplemental Petition Under 37 CFR 1.182 filed 11 July 2008

This petition basically requests that a petition under 37 CFR 1.78(a)(3) claiming priority to international application PCT/US2006/23641 under 35 U.S.C. 120 be considered under 37 CFR 1.182. However, because the application should properly have been treated as a filing under 35 U.S.C. 371, a petition to enter a reference to a claim under 35 U.S.C. 120 to the international application is moot.

CONCLUSION

The petition under 37 CFR 1.182 filed 08 April 2008 is **DISMISSED** as **MOOT**.

The supplemental petition under 37 CFR 1.182 filed 11 July 2008 is also **DISMISSED** as **MOOT**.

The NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b) Filing Date Granted mailed 07 February 2008, the NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL) Filing Date Granted mailed 25 April 2008, the second NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL) Filing Date Granted mailed 22 May 2008, and the Filing Receipt mailed 16 July 2008 are all VACATED.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for processing the application as a national stage application of PCT/US2006/023641.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT.Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

14 NOV 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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FSP LLC
P.O. BOX 890
VANCOUVER WA 98666

In re Application of	:	
DUZETT, Robert C.	:	
U.S. Application No.: 12/001,930	:	
Filing Date: 12 December 2007	:	DECISION
Attorney Docket No.: FSP0213	:	
For: VIRTUAL NETWORKS IN A COMMUNICATION SYSTEM ARCHITECTURE	:	

This decision is in response to applicant's petition to process this application as a filing under 35 USC 371, rather than under 35 USC 111(a), filed in the United States Patent and Trademark Office on 08 April 2008. It has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 12 December 2007, applicants filed a new application that was not identified as a national phase filing.

On 17 January 2008, the Office mailed a filing receipt and a Notice to File Missing Parts.

On 08 April 2008, applicant filed this petition to process the 12 December 2007 submission as a 35 USC 371 filing.

DISCUSSION

A review of the above-captioned application file indicates it is a utility application filed under 35 U.S.C. 111(a).

The USPTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
>
> * * *
>
> If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111.

Applicant's submission nowhere identified itself as a national phase filing under 35 USC 371. In the absence of clear instructions, the submission was properly processed as a 35 USC 111(a) application.

U.S. Statutes and Regulations do not make specific provision for conversion of the application to a national phase and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available.

The fee for the petition under 37 CFR 1.182 will be refunded to deposit account no. 50-1691, as the petition was treated under 37 CFR 1.181.

CONCLUSION

As indicated above, this application will be processed as a 35 USC 111(a) filing.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within **TWO (2) MONTHS** from the mail date of this decision.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the Office of Initial Patent Examination for continued processing.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

02 DEC 2008

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FSP LLC
P.O. BOX 890
VANCOUVER WA 98666

In re Application of	:
DUZETT, Robert C.	:
Application No. 12/001,930	: DECISION ON PETITION
Filed: 12 December 2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. FSP0213	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed 30 June 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed international application set forth in the amendment filed concurrently with the instant petition and in the amendment filed 17 September 2008.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) will be charged to deposit account no. 50-1691, as authorized; and (3) the petition contains a proper statement of unintentional delay.

Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed international application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Erin Thomson at (571) 272-3292. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2416 for appropriate action on the amendment filed 30 June 2008, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed international application.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

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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HERBERT E. HAYNES JR.
2383 GLENVIEW DR.
SIERRA VISTA AZ 85650

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OFFICE OF PETITIONS

In re Application of	:	
Gordon R. HAKOLA	:	
Application No. 12/001,949	:	DECISION ON PETITION
Filed: December 14, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. V-2	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 23, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being returned to Technology Center Art Unit 3653 for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GRAYBEAL JACKSON HALEY LLP/US SYNTHETIC CORP.
155-108th Avenue NE, Suite 350
Bellevue WA 98004-5973

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MAY 05 2008

OFFICE OF PETITIONS

In re Application of:	:	
Qian et al.	:	
Application No. 12/001990	:	DECISION GRANTING
Filing or 371(c) Date: 11/06/2007	:	PETITION UNDER
Title of Invention: SUPERABRASIVE COMPACT INCLUDING DIAMOND-SILICON CARBIDE COMPOSITE, METHODS OF FABRICATION THEREOF, AND APPLICATIONS THEREFOR	:	37 CFR 1.47(a)

This is in response to a petition under 37 C.F.R 1.47, filed March 31, 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, Jim I. Dewberry, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MR. JIM I. DEWBERRY
637 WEST CENTER STREET
PROVO, UT 84601

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MAY 0 5 2008

OFFICE OF PETITIONS

In re Application of:
Qian et al.
Application No. 12/001990
Filing or 371(c) Date: 11/06/2007
Title of Invention: SUPERABRASIVE COMPACT INCLUDING DIAMOND-SILICON CARBIDE COMPOSITE, METHODS OF FABRICATION THEREOF, AND APPLICATIONS THEREFOR

LETTER

Dear Mr. Dewberry:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

CC: GRAYBEAL JACKSON HALEY LLP/US SYNTHETIC CORP.
155-108th Avenue NE, Suite 350
Bellevue WA 98004-5973

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

CR MILES, P.C.
CRAIG R. MILES
405 MASON COURT, SUITE 119
FORT COLLINS CO 80524

In re Application of :
Jeffrey Wycoff : DECISION ON
Application No. 12/002,042 : PETITION
Filed: December 14, 2007 :
Atty Docket No. SiriusUShrplx :

This is a decision on the "PETITION TO REVIVE ABANDONED APPLICATION PURSUANT TO 37 C.F.R. §1.137(b) AND STATEMENT BY APPLICANT" filed February 17, 2010. This decision is made in light of the petition fee deficiency filed June 7, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned effective August 30, 2008 for failure to timely respond to the non-final Office action mailed May 29, 2008. A courtesy Notice of Abandonment was mailed on December 30, 2008.

In response, applicant filed the instant petition to revive under 37 CFR 1.137(b). The petition (as supplemented on June 7, 2010) includes the reply in the form of a continuing application, payment of the petition fee and the required statement of unintentional delay. Petitioner seeks revival solely for continuity purposes.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuation application (application No. 12/658,993) filed February 17, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
401 W FALLBROOK AVE STE 204
FRESNO CA 93711-5835

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OFFICE OF PETITIONS

In re Application of	:	
Byung Tak Jang	:	
Application No. 12/002,096	:	DECISION ON PETITION
Filed: December 14, 2007	:	
Attorney Docket No. SPO200705-0067US	:	

This is a decision on the petition, filed November 24, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the Notice of Incomplete Reply mailed October 27, 2008.

The petition is **GRANTED**.

A review of the record indicates the following:

1. A NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION was mailed August 11, 2008. This notice stated that figure 10 described in the specification was missing from the application as filed.

2. Applicant responded on October 14, 2008 with a new drawing sheet with figure 10.

3. A NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL) was mailed October 24, 2008. This notice acknowledged applicant's response of October 14, 2008 but indicates that drawing figure 10 has been omitted from the application.

4. A NOTICE OF INCOMPLETE REPLY was mailed October 27, 2008 acknowledging applicant's response filed October 14, 2008. This notice states that applicant's response did not include "a statement that the substitute specification contains no new matter."

At no time was petitioner required to file a substitute specification. The only issue was providing a copy of drawing figure 10 which was not provided with the initial filing of the application. Petitioner provided a new drawing sheet with figure 10. Submission of drawing figures either as an amended sheet or new sheet does not require a statement that the drawing contains no new

matter. Therefore, the Notice of Incomplete Reply mailed October 27, 2008 appears to have been sent in error.

In view of the above, the Notice of Incomplete Reply mailed October 27, 2008 is hereby **vacated.**

The Notice of Incomplete Reply (Nonprovisional), mailed October 24, 2008, appears in error since it requires an alleged omitted figure 10 in spite of the fact that applicant had provided a copy of figure 10 in his October 14, 2008 response.

In view of the above, the Notice of Incomplete Reply (Nonprovisional), mailed October 24, 2008 is also **vacated**.

This application is being referred to the Office of Patent Application Processing for further processing of the instant application with the new drawing sheet providing figure 10, filed October 14, 2008.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Frank L. Kubler
13261 S.W. 54th Court
Miramar, FL 33027

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AUG 13 2008

OFFICE OF PETITIONS

In re Application of :
Sheldon D. Gould :
Application No. 12/002,108 : DECISION ON PETITION
Filed: December 14, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 16, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 3677 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

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MAR 3 0 2009

OFFICE OF PETITIONS

In re Application of :
Mikko Waltari :
Application No. 12/002,153 : ON PETITION
Filed: December 13, 2007 :
Attorney Docket No. 81373119US01 :
(0120154)

This is a decision on the petition, filed March 8, 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 **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

A review of the file record shows that a Request to Rescind was filed on March 8, 2009. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b). A courtesy copy of a Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f)) is enclosed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petition Examiner
Office of Petitions

Attachment: blank copy of a Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f)) form

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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NXP. B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

In re Application of :
Mikko Waltari :
Application No. 12/002,153 : DECISION ON PETITION
Filed: December 13, 2007 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 81373119US01 (0120154) :

This is a decision on the renewed petition, filed April 14, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on December 12, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This application is being referred to Technology Center AU 2819 for further processing.

Irvin Dingle
Petition 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
12/002,153	12/13/2007	Mikko Waltari	81373119US01 (0120154)

CONFIRMATION NO. 5217

65913
NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

NONPUBLICATION RESCISSION LETTER

OC000000035773343

Date Mailed: 05/04/2009

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 08/13/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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OLYMPIC PATENT WORKS PLLC
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SEATTLE, WA 98104

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JAN 14 2008

OFFICE OF PETITIONS

In re Application of :
Erik Ramsaur, et al. :
Application No. 12/002,181 : DECISION ON PETITION
Filed: December 14, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. RA2.001 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 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 declaration statement signed by applicant David Ramsaur. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Initial Patent Examination for processing. This application will be accorded "special" when pre-examination processing is done.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

JEROME E. SACKS
8 THOREAU RD.
LEXINGTON, MA 02420

COPY MAILED

FEB 25 2008

OFFICE OF PETITIONS

In re Application of

SACKS, Jerome Elliot
Application No. 12/002,229
Filed: December 13, 2007
Attorney Docket No. 000

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 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 Jerome Elliot Sacks 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.

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.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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ROBERT J. REID
182 TIERRASANTA BLVD.
SAN DIEGO, CA 92124

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MAR 0 7 2008

OFFICE OF PETITIONS

In re Application of :

REID, Robert J. :
Application No. 12/002,238 : DECISION ON PETITION
Filed: December 13, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(2)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV; under 37 CFR 1.102(c)(2)(i), to make the above-identified application special based on environment in M.P.E.P. § 708.02, Section V; and under 37 CFR 1.102(c) (2)(ii), to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI., filed December 13, 2007.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Robert J. Reid attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

In view of the above petition being granted and the application being made special, the petitions under 37 CFR 1.102(c)(2)(i) and 37 CFR 1.102(c) (2)(ii), are **DIMISSED AS MOOT.**

Telephone inquiries concerning this decision should be directed to the undersigned at 572-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 04/20/2010

Applicant	: Carlos E. Cisneros	: DECISION ON REQUEST FOR
Patent Number	: 7601559	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/002,239	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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United States Patent and Trademark Office
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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

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NOV 2 8 2008

In re Application of :
Louch et al. :
Application Number: 12/002280 : DECISION ON PETITION
Filing Date: 12/14/2007 :
Attorney Docket Number: 18962-057001 :

This is a decision on the paper entitled "REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT" filed on April 24, 2008, which is treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of December 14, 2007, rather than the presently accorded filing date of December 13, 2007.

Petitioner alleges that the application was deposited in Express Mail service on December 14, 2007. In support, petitioners have provided a copy of Express Mail Label No. EV584753434US (the same Express Mail number found on the itemized application transmittal letter accompanying the original application papers located in the official file). Although the "date in" on the Express Mail is not legible, the Express Mail label contains an Official USPS postmark dated December 14, 2007.

In view of the above, the correct date of deposit in Express Mail is December 14, 2007.

In view of the above, the petition is granted. No petition fee is necessary, and none has been paid.

The application is being referred to the Office of Patent Application Processing for correction of the filing date to **December 14, 2007.**

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WENDY VENTURA
3305 CLIFFORD DRIVE
METAIRIE LA 70002

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DEC 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Ventura, Wendy Rae :
Application No. 12/002,281 : ON PETITION
Filed: June 9, 2008 :
Title: TOP-A-PLATE :

This is a decision on the petition, filed June 29, 2009, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

This application was held abandoned for failure to timely respond to the Office action of September 3, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before December 3, 2008. A Notice of Abandonment was mailed on June 18, 2009.

Petitioner states that a timely reply was received by the USPTO on September 29, 2008, which included the following papers: (1) Specification - 8 pages; and (2) Claim – 1 page. Petitioner has included a copy of the return postcard, stamped with a date of September 29, 2008 by the USPTO.

Petitioner has submitted a copy of the previously mailed correspondence; however, only one page was received, which was the Abstract of the Disclosure, listed as Page 9.

Petitioner must provide a full copy of the response previously filed on September 29, 2008.

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

B hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WENDY VENTURA
3305 CLIFFORD DRIVE
METAIRIE LA 70002

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JAN 07 2010

In re Application of	:	
Ventura, Wendy Rae	:	
Application No. 12/002,281	:	ON PETITION
Filed: June 9, 2008	:	
Title: TOP-A-PLATE	:	

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.181, filed December 3, 2009, requesting the withdrawal of the holding of abandonment in the above-identified application and has been so treated.

The petition to withdraw the holding of abandonment is **GRANTED.**

The above-identified application was held abandoned for failure to timely reply to the non-final Office action mailed September 3, 2008, which set a shortened statutory period for reply of three (3) months. A reply was due on or before December 3, 2008. A Notice of Abandonment was mailed on June 18, 2009.

Petitioner states that the reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of the return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USTPO) on September 29, 2008 of 1. Specification (8 pages); and 2. Claim (1 page). Additionally, petitioner has supplied a copy of the previously mailed correspondence.

The reply acknowledged as having been received in the USPTO on May 22, 2008 has been located in the application file.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee and none has been charged.

This matter is being referred to Technology Center AU 3742 for further examination on the merits.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GRAYBEAL JACKSON LLP
155 - 108TH AVENUE NE
SUITE 350
BELLEVUE, WA 98004-5973

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MAR 13 2009

OFFICE OF PETITIONS

In re Application of Jay Turner :
Application No. 12/002,310 : Decision on Petition
Filing Date: December 14, 2007 :
Attorney Docket No. 2571-001-03 :

This is a decision on the petition filed October 6, 2008, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed.**

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT 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.

Facts

The application was filed December 14, 2007.

The transmittal sheet indicated the application included 12 pages of specification and the Certificate of Express Mailing sheet indicated the papers included 12 pages of "Patent Application."

Pages 7 to 10 of the specification consisted of copies of one page from a newspaper article and three pages from a magazine article. Each of the four pages includes more than one column. As copied, the font size of the type on the pages is quite small. Portions of the text on the pages are unreadable or of insufficient clarity for publication.

On January 18, 2008, the Office mailed a Notice to File Missing Parts of Nonprovisional Application which required, in part,

(A) A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125; and
(B) A statement that the substitute specification contains no new matter.

The Notice stated the original specification could not be accepted for the following reasons:

(1) The specification was submitted in multiple-column format;
(2) Pages 7-10 contain text that is unreadable or of insufficient clarity;
(3) Pages 7-10 contain text that of a unacceptable font size.

On August 18, 2008, petitioner submitted a substitute specification and payment for a five-month extension of time. Petitioner did not submit a statement that the substitute specification did not contain any new matter.

The marked-up copy of the substitute specification indicates the changes made to the original specification included:

(1) A change to Paragraph 1 on page 1,
(2) A change to Paragraph 10 on page 3,
(3) A change to Paragraph 14 on page 4,
(4) Deletion of Paragraph 16 on page 5,
(5) Renumbering original Paragraph 17 on page 5 as Paragraph 16,
(6) Adding new Paragraphs 18 to 23 consisting of a total of 39 lines of text, and
(7) Renumbering former Paragraph 18 found on page 6 of the original specification as Paragraph 24.

As will be more fully discussed later in this paper, the April 18, 2008 reply was improper and the application became abandoned on A

On August 29, 2008, the Office mailed a Notice of Incomplete Reply indicating the specification was unacceptable and listed the same reasons as the reasons listed on the prior Notice to File Missing Parts.

On September 4, 2008, the Office mailed a Notice of Incomplete Reply stating the Office had not been supplied with a substitute specification and a statement that the substitute specification does not contain new matter.

On September 19, 2008, petitioner filed a paper objecting to the content of the August 29, 2008 Notice of Incomplete Application.

The instant petition was filed October 6, 2008.

Discussion

In order to show the application is not abandoned in this case, petitioner must prove a proper reply to the Notice to File Missing Parts was filed.

The Notice to File Missing Parts explicitly required a statement that the substitute specification did not contain new matter. Even if such a requirement had not been explicitly made, 37 CFR 1.125(b) indicates a substitute specification must be accompanied by a statement that the substitute specification includes no new matter.

The Office is unable to find a statement that the substitute specification does not contain new matter within the papers filed August 18, 2008. Therefore, the petition cannot be granted and the application is abandoned.

In order for a substitute specification to be proper, it must be accompanied by a marked-up copy of the prior specification. In this case, the marked-up copy of the substitute specification fails to show, by strike-through or double brackets, the deleted matter from pages 7 to 10 of the original disclosure. However, 37 CFR 1.125(c) states,

> The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived.

The marked-up copy of the specification also cannot be accepted because portions of the text on the marked-up copy of the specification are lighter than other parts text and are also not clearly legible. 37 CFR 1.125(c) does not allow one to indicate changes in language by making some text lighter in tone than other text.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (a proper substitute specification and statement no new matter is being added) , the required petition fee ($810 for a small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

A PDF "fillable" version of a form for a petition under 37 CFR 1.137(b) can be found at: http://www.uspto.gov/web/forms/sb0064_fill.pdf.

Unless filed by EFS Web, further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GRAYBEAL JACKSON LLP
155 - 108TH AVENUE NE
SUITE 350
BELLEVUE, WA 98004-5973

MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of Jay Turner :
Application No. 12/002,310 : Decision on Petition
Filing Date: December 14, 2007 :
Attorney Docket No. 2571-001-03 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 27, 2009, to revive the above-identified application.

The petition is **granted**.

On January 18, 2008, the Office mailed a Notice to File Missing Parts of Nonprovisional Application. The Notice set a period for reply of two (2) months from the mail date of the Notice. A reply to the Notice and a request for a five-month extension of time were filed August 18, 2008. The reply filed August 18, 2008, was not a proper reply to the Notice. As a result, the application became abandoned as of August 19, 2008. A Notice of Abandonment was mailed September 24, 2008.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee,
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the Notice to File Missing Parts in the form of a substitute specification. 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.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/002,315	12/14/2007	Jukka Ojanen	U 017128-3	5870

140 7590 12/17/2009

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER	
BECHTEL, KEVIN M	
ART UNIT	PAPER NUMBER
2449	

NOTIFICATION DATE	DELIVERY MODE
12/17/2009	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):

nyuspatactions@ladas.com

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DEC 17 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of: Jukka Ojanen et al.
Application No. 12002315
Filed: December 14, 2007
Atty. Docket No.: 03578.020000
For: WEB-BASED MEDIA FILE DELIVERY TO A MEDIA DEVICE

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 8, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special requires:

(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 NBPR, 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 NBPR, 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 NBPR, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the NBPR 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 NBPR application that contains the allowable/patentable claims and the NBPR priority application claimed in the U.S. application.

(2) Applicant must submit a copy of the allowable patentable claims from the NBPR application(s) along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. If the NBPR Office action does not explicitly state that a particular claim is allowable, applicant must include a statement in the request for participation in the PPH pilot program or in the transmittal letter accompanying the request for participation that no rejection has been made in the NBPR Office action regarding that claim, and therefore, the claim is deemed allowable by the WBPR.

(3) All the claims in the U.S. application for which the request for participation in the PPH pilot program must sufficiently correspond to or be amended to sufficiently correspond to the allowable/patentable claims in the NBPR application(s).

(4) Examination of the U.S. application has not begun.

(5) Applicant must submit a copy of all the Office actions (which are relevant to patentability) from each of the NBPR application(s) containing the allowable patentable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate if the Office actions are not in the English language

(6) Applicant must submit an IDS listing the documents cited by the NBPR examiner in the NBPR office action along with copies of documents except U.S. patents or U.S. patent application publications.

(7) The required petition fee under 37 CFR 1.17(h).

The Request to participate in the PPH pilot program fails to meet the requirements of item (3) above. Claim 7 in the US application has no corresponding allowed claim in the NBPR application. The claim should be deleted.

Accordingly, the Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Hassan Kizou
Quality Assurance Specialist,
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/002,315	12/14/2007	Jukka Ojanen	U 017128-3	5870

140 7590 01/27/2010

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER	
BECHTEL, KEVIN M	
ART UNIT	PAPER NUMBER
2449	

NOTIFICATION DATE	DELIVERY MODE
01/27/2010	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):

nyuspatactions@ladas.com

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Alexandria, VA 22313-1450
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JAN 20 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of: Jukka Ojanen et al.
Application No. 12002315
Filed: December 14, 2007
Atty. Docket No.: 03578.020000
For: WEB-BASED MEDIA FILE DELIVERY TO A MEDIA DEVICE

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed January 7, 2010, 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 requires:

(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 NBPR, 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 NBPR, 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 NBPR, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the NBPR 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 NBPR application that contains the allowable/patentable claims and the NBPR priority application claimed in the U.S. application.

(2) Applicant must submit a copy of the allowable patentable claims from the NBPR application(s) along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. If the NBPR Office action does not explicitly state that a particular claim is allowable, applicant must include a statement in the request for participation in the PPH pilot program or in the transmittal letter accompanying the request for participation that no rejection has been made in the NBPR Office action regarding that claim, and therefore, the claim is deemed allowable by the WBPR.

(3) All the claims in the U.S. application for which the request for participation in the PPH pilot program must sufficiently correspond to or be amended to sufficiently correspond to the allowable patentable claims in the NBPR application(s).

(4) Examination of the U.S. application has not begun.

(5) Applicant must submit a copy of all the Office actions (which are relevant to patentability) from each of the NBPR application(s) containing the allowable patentable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate if the Office actions are not in the English language

(6) Applicant must submit an IDS listing the documents cited by the NBPR examiner in the NBPR office action along with copies of documents except U.S. patents or U.S. patent application publications.

(7) The required petition fee under 37 CFR 1.17(h).

The Request to participate in the PPH pilot program no longer meets the requirements of item (4) above, since an Office action has already been issued on January 15, 2010.

Accordingly, the Petition is **DISMISSED AS MOOT**.

Response must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Hassan Kizou
Quality Assurance Specialist,
Technology Center 2400

3 1 JUL 2008

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P.O. Box 1450
Alexandria, VA 22313-1450
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FSP LLC
P.O. BOX 890
VANCOUVER WA 98666

In re Application of :
DUZETT et al. :
Application No.: 12/002,343 : DECISION ON PETITION
Filing Date: 12 December 2007 : under 37 CFR 1.182
Attorney Docket No.: FSP0300 :
For: MEDIA STREAM DISTRIBUTION SYSTEM:

This is a decision on applicant's applicant's petition under 37 CFR 1.182 filed on 08 April 2008 and Supplemental Petition under 37 CFR 1.182 filed on 26 June 2008 in the United States Patent and Trademark Office (USPTO). The $400 petition fee has been paid.

Prior to the USPTO's consideration of the petition under 37 CFR 1.182 to correct priority and filing status of the application, applicant filed the supplemental petition, which requests withdrawal of the petition under 37 CFR 1.182 and dismissal of the petition without prejudice .

Per applicant's supplemental petition, the petition under 37 CFR 1.182 is hereby DISMISSED without prejudice.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 272-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Jorg von Seggern	: DECISION ON REQUEST FOR
Patent Number	: 7610736	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/002,351	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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MARC LALOUETTE
3344 16TH STREET
BOULDER CO 80304

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JAN 16 2009

OFFICE OF PETITIONS

In re Application of
Marc Jacques Lalouette
Application No. 12/002,400
Filed: December 17, 2007
Attorney Docket Number: 1417_004

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),[1] filed December 4, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers mailed on January 18, 2008, which set a two (2) month shortened period for reply. Replacement drawings were filed March 19, 2008 which was after the date set for reply, without an extension of time in accordance with 37 CFR 1.136(a). Accordingly, a Notice of Abandonment was mailed October 31, 2008.

Receipt of the replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 is acknowledged.

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application is being forwarded 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.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE WI 53226

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In re Application of :
CAMPBELL et al. :
Application No. 12/002,401 : ON PETITION
Filed: 12/17/2007 :
Attorney Docket No. 9604.18681-DIV :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 6, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications.

The petition is **dismissed.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1)

The Office notes:

> 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.

MPEP 201.11(III)(C).

After reviewing the chain of applications to which petitioner is seeking a claim for priority, it appears prior Application No. 10/743,051 does not include a reference to Application No. 10/480,827. Petitioner should review the benefit claim submitted to ensure that appropriate references are made in the first application and in each intermediate application in the chain of prior applications. Therefore, petitioner must perfect the benefit claim as a condition for acceptance of the present petition under 37 CFR 1.78(a)(3). Petitioner must file a petition under 37 CFR 1.78(a)(3) in Application No. 10/743,051 to add a benefit claim under 35 U.S.C. § 120 to nonprovisional Application No. 10/480,827.[1] Upon the granting of a petition under 37 CFR 1.78(a)(3) in Application No. 10/743,051, petitioner may file a renewed petition in the present 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
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

Correspondence may also be submitted electronically via EFS-Web.

[1] In the alternative, petitioner must delete the priority claim to Application No. 10/480,827, in the present application.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
CAMPBELL et al. :
Application No. 12/002,401 : DECISION DISMISSING PETITION
Filed: December 17, 2007 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 9604.18681-DIV :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed February 17, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional application No. 10/480,827.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case,

the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Accordingly, before the petition under 1.78(a)(3) can be granted, petitioner must file a renewed petition under 37 CFR 1.78(a)(3), accompanied by either a Supplemental Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121, 37 CFR 1.76 and 37 CFR 1.33(b)).[1] No additional petition fee is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Alexandria, VA 22313-1450

By hand: Customer Service Window
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Correspondence may also be submitted via EFS-Web.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

[1] The Office notes that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in an application must be signed by an appropriate party. Therefore, an ADS, supplemental ADS, or a substitute amendment submitted after the filing of an application **must be signed in accordance with 37 CFR 1.33(b).**

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Michael J. Femal
McDonald Hopkins LLC
Suite 590
640 North LaSalle Street,
Chicago IL 60610

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JUN 20 2008

OFFICE OF PETITIONS

In re Application of :
Lutterbach, et al. : ON PETITION
Application No.: 12/002,416 :
Filed: December 17, 2007 :
Attorney Docket No.: 31182-00002 :

This is a decision on the petition under 37 CFR 1.47(a), filed March 19, 2008(certificate of mailing date March 17, 2008).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires:

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee of $200, and
(4) the last known address of the omitted inventor(s).

Pursuant to petitioners' authorization, deposit account no. 13-0265 will be charged the $200.00 Rule 47 petition fee.

This petition lacks item (1) above.

As to item (1), applicant has failed to establish that Mr. Fred Smith refused to join in the filing of the above-identified application.

The Office requires that the non-signing inventor be provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d). The petition does not establish that a complete copy of the application was presented to Mr. Smith.

Mr. Smith must have the complete application in his possession in order to make an informed decision as to whether he joins in its filing. When petitioners can show that Mr. Smith was successfully mailed or received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration within a reasonable amount of time, petitioners will have satisfied this requirement.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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McDonald Hopkins LLC
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640 North LaSalle Street,
Chicago IL 60610

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OFFICE OF PETITIONS

In re Application of :
Lutterbach, et al. : ON PETITION
Application No.: 12/002,416 :
Filed: December 17, 2007 :
Attorney Docket No.: 31182-00002 :

This is a decision on the renewed petition under 37 CFR 1.47(a) and the petition under 37 CFR 1.48(a). Both petitions were filed on August 22, 2008 (certificate of mailing date August 20, 2008).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The petition under 37 CFR 1.48(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.48(a)" and should include an oath or declaration executed by the inventors. **Failure to respond will result in abandonment of the application.**

Petitioners have shown that the non-signing inventor, Fred Smith, has constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Petitioners filed a petition to delete Fred Smith and Luke Smith as joint inventors on August 22, 2008 (certificate of mailing date August 22, 2008).

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by: (1) a petition including a statement from each person being added and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part; (2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47; (3) the fee set forth in 37 CFR 1.17 (i); and (4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

The petition lacks compliance with items (1) and (2).

With respect to (1) above, each person being deleted must present his statement of lack of deceptive intent.

Petitioners have not provided a showing that any efforts were made to obtain Luke Smith's statement of lack of deceptive intent. The evidence with respect to Fred Smith is that Fred Smith received a package (at the Iroquois Drive address) requesting his signature as an inventor on a declaration for patent application, not a request for his execution of a lack of deceptive intent statement because he was being deleted as an inventor.

Petitioners should mail a lack of deceptive intent statement to Fred Smith and request he execute it and return it within a reasonable period of time.

Petitioners should mail a copy of the patent application and a lack of deceptive intent statement to Luke Smith and request that he execute it and return it within a reasonable period of time.

Any affidavit or declaration of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay will not normally be accepted. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

Please be aware that petitions requesting waiver of the requirement that an inventor to be deleted execute a lack of deceptive intent statement are not routinely granted.

Per MPEP 201.03 Correction of Inventorship in an Application A. Statement of Lack of Deceptive Intent (in pertinent part): " ...Where no assignment has been executed by the inventors, or if deletion of a refusing inventor is requested, waiver will not be granted absent unequivocal support for the correction sought. Petitions under 37 CFR 1.47 are not applicable to the requirement for statements from each originally named inventor.

An available remedy to obtain correction of inventorship where waiver of a required statement is not available to correct the inventorship in a particular application is to refile the application naming the correct inventive entity. A request under 37 CFR 1.48(a) would not then be required in the newly filed application as no correction would be needed. Furthermore, a request under 37 CFR 1.48(a) would also not be required in the prior application that was refiled, since the prior

application will be abandoned. Benefit of the parent application's filing date would be available under 35 U.S.C. 120 provided there is at least one inventor overlap between the two applications. (Note: a sole-to-sole correction would not obtain benefit under 35 U.S.C. 120).

With respect to (2) above, a declaration executed by the correct inventors has not been submitted. The only declarations filed to date list four joint inventors. An executed declaration listing only Steven Lutterbach and Ryan Lutterbach must be filed.

Regarding finances, petitioners have paid two $200.00 Rule 47 petition fees. Pursuant to petitioners' authorization, deposit account no. 13-0265 will be refunded one $200.00 Rule 47 petition fee.

After the mailing of this decision, the application will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant	: Stephen M. Southwick	: DECISION ON REQUEST FOR
Patent Number	: PP20511	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/002,418	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **97** 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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REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P.O. BOX 4390
TROY, MI 48099-4390

Mail Date: 04/21/2010

Applicant	: Daniel L. Mattice	: DECISION ON REQUEST FOR
Patent Number	: 7638082	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/002,447	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/17/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAIL

SEP 18 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
MYLLYNEN, HARRI, et al.	:	DECISION ON REQUEST TO
Application No. 12/002,452	:	PARTICIPATE IN PATENT
Filed: December 17, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 07702D/RPM	:	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 8, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO 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 UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 1 above in that the petition fails to include a valid priority claim under 35 U.S.C. 119(a) to UKIPO/PCT application numbers 0420339.4 and 803553.7.

Furthermore, Petitioner has not complied with items 2 and 5 in that the petition fails to include a copy of all Office actions from the UKIPO application and copy of all claims which were determined to be patentable by the UKIPO. 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 Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

DEC 04 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of
MYLLYNEN, HARRI, et al.
Application No. 12/002,452
Filed: December 17, 2007
Attorney Docket No. 07702D/RPM

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 for reconsideration to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 16, 2008 to make the above-identified application special.

The request and petition are **GRANTED**.

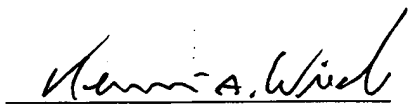
A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO 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 UKIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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JAN 22 2008

OFFICE OF PETITIONS

GLENN RICKARDS
15100 SE 38TH ST. PMB 780
BELLEVUE, WA 98006

In re Application of :
Frederick H. Blake :
Application No. 12/002,600 : DECISION ON PETITION
Filed: December 17, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 15-05-104CIP : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 17, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a 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 Office of Patent Application Processing for processing. This application will be accorded "special" once pre-examination processing is complete.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/002,608	12/18/2007	Adam P. Tyler	003C.0059.U1(US)	7220

87120 7590 08/07/2009

Harrington & Smith PC
4 Research Drive, Suite 202
Shelton, CT 06484

EXAMINER	
LE, THANH TAM T	
ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
08/07/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mark F. Harrington,
Harrington and Smith, PC
4 Research Drive,
Shelton, CT 06484-6212

In re Application of:
Tyler et al.
Serial No.: 12/002,608
Filed: December 18, 2007
Docket No.: 003C.0059.U1(US)

DECISION ON PETITION TO WITHDRAW RESTRICTION REQUIREMENT

This is a decision on petition filed June 25, 2009 to withdraw restriction requirement made in Office Action mailed on March 19, 2009.

The petition is **GRANTED**

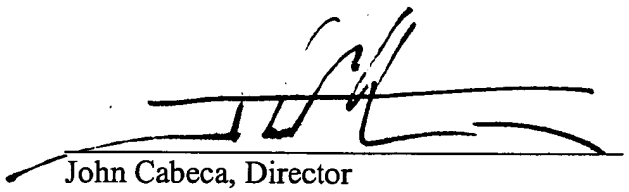
Examiner, in the Office Action mailed on March 19, 2009 issued two a way restriction requirement; Group I: Claims 1-11, 20 and 21; and Group II: Claims 12-19. In response, the applicant elected Group I with traverse. In a subsequent Office Action mailed on June 12, 2009, the Examiner modified the restriction requirement and changed the grouping of claims to Group I: Claims 1-11 and 21 and Group II: Claims 12-20. Claim 20 depending from Claim 12 and therefore belonged to Group II.

The Applicant filed petition to reverse the restriction requirement and direct the Examiner to examine all the claims 1-21.

The review of application claims indicate that Claim 6 of Group I and Claim 20 of Group II, contained same limitations including a housing, a slide, a cam member, a connector position assurance member, a first latch and a second latch, and as such both the groups are not independent and distinct, are directed to the related inventions and there will not be a serious burden on the part of the Examiner in examining both the groups together.

For the above reasons, the petition is granted and the case is forwarded to the Examiner for examination of Claims 1-21 on the merits.

Telephone inquires should be directed to T. C. Patel at (571) 272-2098.



John Cabeca, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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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Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

MAILED

AUG 3 1 2009

OFFICE OF PETITIONS

In re Application of :
Zhuyan Shao et al. :
Application No. 12/002,614 : DECISION ON PETITION
Filed: December 17, 2007 : TO WITHDRAW
Attorney Docket No. 70107.94 (IDT-2298) : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 17, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Kimberly A. Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Haynes and Boone, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

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OCT 23 2009

OFFICE OF PETITIONS

In re Application of :
Zhuyan Shao et al. :
Application No. 12/002,614 : DECISION ON PETITION
Filed: December 17, 2007 : TO WITHDRAW
Attorney Docket No. 70107.94 (IDT 2298) : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 6, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address does not include a proper power of attorney nor is the address that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Haynes and Boone, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75213

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Oct-08

JAMES D. WELCH
10328 PINEHURST AVE.
OMAHA NE 68124

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OCT 20 2008

OFFICE OF PETITIONS

In re Application of	:	
Martin M. Liphardt	:	
Application Number: 12/002650	:	ON PETITION
Filing Date: 12/18/2007	:	
For: APPLICATION OF DIGITAL LIGHT PROCESSOR IN SCANNING SPECTROMETER AND IMAGING ELLIPSOMETER AND THE LIKE SYSTEMS	:	

This is a decision on the petition under 37 CFR 1.137(a), filed on October 9, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on March 31, 2008, for failure to timely file a response to the Notice to File Corrected Application Papers mailed on January 30, 2008, 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 October 3, 2008.

Petitioner asserts unavoidable delay in that the Notice to File Corrected Application Papers was never received. Specifically, petitioner's registered patent practitioner, James D. Welch, states that he has checked his file pertaining to this

application and find[s] no indication of any Notice to File Corrected Application Papers.

Four (4) sheets of corrected drawings have been submitted as the reply to the Notice to File Corrected Application Papers.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

> (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In 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 § 1.17(l);
>
> (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
>
> (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3) above.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities

> as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[2]

With regards to the assertion that the final Office action was never 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).
>
> 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

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[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account."

[2] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

> 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).

The petition must be dismissed because petitioner has not provided a copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received.

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 can provide a showing, as described above, that the Notice to File Corrected Application Papers mailed on January 30, 2008, was not received, petitioner should file a renewed petition under 37 CFR 1.137(a), accompanied by such proof of nonreceipt of the Notice to File Corrected Application Papers mailed on January 30, 2008.

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay.[3] A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action.[4]

As the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a), the petition will be dismissed.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b),[5] which now provides that where the delay in

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[3] Id.

[4] 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).

[5] 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;

reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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.

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

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(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)).

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64

PTO/SB/64 (09-08)
Approved for use through 10/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Petition Information for 12/002650

Entry Date	Type Requested	Petition Filing Date	Decision	Type Decided	Decision Date	Deciding Official	Deciding Office
10/16/2008	501	10/03/2008 10/9/08				WOOD, DOUGLAS I	

Appln Info | Contents | **Petition Info** | Atty/Agent Info | Continuity/Reexam | Foreign Data

Search Another: Application # [ ] Search

or Patent# [ ] Search

PCT / [ ] / [ ] Search

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Attorney Docket # [ ] Search

Bar Code # [ ] Search

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NOTE PCT FIFING ~~DATE~~ SHOULD BE 10/9/08

see ATTACHED PCT PAGE

CANCELLED
OCT 10 2008
PATENT & TRADEMARK OFFICE
OCT 09 2008
PATENT & TRADEMARK OFFICE

10-10-09

DAC

PTO/SB/61 (09-08)
Approved for use through 10/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional)

First Named Inventor: MARTIN M. LIPHARDT Art Unit: 2877
Application Number: 12/002,650 Examiner:
Filed: 12/08/2007

Title: APPLICATION OF DIGITAL LIGHT PROCESSOR IN SCANNING SPECTROMETER AND IMAGING ELLIPSOMETER AND THE LIKE SYSTEMS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.
NOTE: A grantable petition requires the following items:
(1) Petition fee.
(2) Reply and/or issue fee.
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
(4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity – fee $ 270.00 (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $_____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of FILE CORRECTED PAPERS (FIGS. 3a-3d &4). (identify the type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

10/10/2008 SSANDARA 00000004 12002650
01 FC:2452 270.00 OP

B The issue fee of $ _____

☐ has been filed previously on _____.

☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(a). 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 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Dec-08

JAMES D. WELCH
10328 PINEHURST AVE.
OMAHA NE 68124

COPY MAILED
DEC 02 2008

In re Application of :
Martin M. Liphardt :
Application Number: 12/002650 : ON PETITION
Filing Date: 12/18/2007 :
For: APPLICATION OF DIGITAL :
LIGHT PROCESSOR IN SCANNING :
SPECTROMETER AND IMAGING :
ELLIPSOMETER AND THE LIKE :
SYSTEMS :

This is a decision on the petition under 37 CFR 1.137(b)[1] filed on October 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on March 31, 2008, for failure to timely file a response to the Notice to File Corrected Application Papers mailed on January 30, 2008, which set a two

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

(2)-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 October 3, 2008. The petition under 37 CFR 1.137(a) filed on October 9, 2008, was dismissed on October 20, 2008.

Receipt of the four (4) sheets of corrected drawings submitted on October 9, 2008, as the reply to the Notice to File Corrected Application Papers, is acknowledged.

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Apr-10

RAYMOND SUN
12420 WOODHALL WAY
TUSTIN CA 92782

MAILED

APR 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Lien-Chen Lin	:	DECISION ON PETITION TO
Application Number: 12/002660	:	WITHDRAW HOLDING OF
Filing Date: 12/18/2007	:	ABANDONMENT
Attorney Docket Number: ING.032	:	
	:	

This is a decision on the "PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 CFR 1.181," filed on January 21, 2010.

The application became abandoned on August 29, 2009, for failure to timely file a proper reply to the non-final Office action mailed on May 28, 2009. A Notice of Abandonment was mailed on January 11, 2009.

Petitioner avers that the Office issued the Notice of Abandonment in error because applicant filed a timely reply to the non-final Office action.

In support, petitioner has provided a copy of a reply, consisting of an amendment and a paper entitled "COMBINED AMENDMENT AND PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.13(a) (Small Entity)" (hereinafter "the petition for extension of time"). The amendment contains a certificate of mailing, dated November 17, 2009, signed by Raymond Sun, petitioner's registered patent practitioner, who also signed the present petition. The petition for extension of time, however, contains a certificate of mailing, dated November 16, 2009, signed by Donna Dice.

37 CFR 1.8(b) states, in pertinent part:

> 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 or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to § 1.957(a), 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.

The petition must be dismissed because it does not 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 of the petition for extension of time allegedly deposited in the mail on November 16, 2009.

Petitioners should provide a renewed petition including a statement by Donna Dice, the person who signed the certificate of mailing dated November 16, 2009, attesting on a personal knowledge basis to the previous timely mailing of the petition for extension of time.

The petition is **DISMISSED.**

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision. **This time period may not be extended.** 37 CFR 1.181(f).

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

A reply may also be filed by EFS-Web.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

JAMES J. RALABATE
5792 MAIN ST.
WILLIAMSVILLE NY 14221

COPY MAILED

MAR 17 2008

OFFICE OF PETITIONS

In re Application of	:	
Steven R. Moore	:	
Application No. 12/002,673	:	DECISION ON PETITION
Filed: December 18, 2007	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number: ID	:	§ 1.182
20070799 US-NP	:	
Title: MEASUREMENT OF PAPER	:	
STACK TOPOGRAPHY	:	

This is a decision on the petition filed January 24, 2008, pursuant to 37 C.F.R. § 1.182, requesting that the above-identified application, including three sheets of drawings, be accorded a filing date of December 18, 2007 as part of the original disclosure.

The present application was deposited on December 18, 2007. However, on January 9, 2008, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the deposit of drawings.

In response, on January 24, 2008, applicants filed the present petition. The petition is further accompanied by a copy of three sheets of drawings, along with a copy of applicants' postcard receipt acknowledging receipt of "Formal Drawing(s) 3 SHEETS 3 FIGS."" in the United States Patent and Trademark Office (Office) on December 18, 2007. Applicants request that this application, including each of these three sheets of drawings, be accorded a filing date of December 18, 2007.

No sheets of drawings have been located among the application papers in the electronic file.

Petitioner's arguments and evidence have been considered. However, it is controlling that 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 37 C.F.R. § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP § 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

Moreover, the above-mentioned postcard serves as convincing evidence that the application papers deposited on December 18, 2007 included three sheets of drawings, and each of these sheets was subsequently misplaced in the Office.

Therefore, the application, including three sheets of drawings, was complete on filing and entitled to a filing date of December 18, 2007 as part of the original disclosure.

Accordingly, the petition under 37 C.F.R. § 1.182 is **GRANTED**.

The notice mailed January 9, 2008 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee of $400 has not been charged to Petitioner's Deposit Account.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing. This application will receive a filing date of December 18, 2007, using the original application papers filed on that date, as well as the three sheets of drawings submitted on January 24, 2008, and it will be noted in Office records that these three sheets of drawings were present on filing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

KREMBLAS, FOSTER, PHILLIPS & POLLICK
7632 SLATE RIDGE BOULEVARD
REYNOLDSBURG, OH 43068

Mail Date: 04/20/2010

Applicant	: Ned D. Rader	: DECISION ON REQUEST FOR
Patent Number	: PP20489	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/002,680	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **37** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BRUCE H. JOHNSONBAUGH
ECKHOFF & HOPPE
SUITE 2800
101 MONTGOMERY STREET
SAN FRANCISCO, CA 94104

COPY MAILED

FEB 1 1 2008

OFFICE OF PETITIONS

In re Application of :
TU, Xiang Zheng :
Application No. 12/002,687 : DECISION ON PETITION
Filed: December 18, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. **9631** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 18, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Xiang Zheng Tu 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.

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.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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KENNETH WATOV, ESQ.
WATOV & KIPNES, PC
PO BOX 247
PRINCETON JUNCTION, NJ 08850

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JAN 2 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Wolfgang Jochum	:	
Application No. 12/002,700	:	DECISION ON PETITION
Filed: December 18, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1344.1.001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 18, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement made my applicant's attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Processing for processing. This application will be accorded "special" once pre-examination processing is complete.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant	: Stephen M. Southwick	: DECISION ON REQUEST FOR
Patent Number	: PP20431	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/002,747	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/18/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **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.

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/002,754	12/19/2007	Il-Woon Lee	P58532	7173

7590 11/18/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
11/18/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Repln. Ref: 11/19/2009 NFARMER 0015553500
DA#:024943 Name/Number:12002754
FC: 1124 $510.00 OP

Adjustment date: 11/19/2009 NFARMER
12/20/2007 SSITHIB1 00000131 12002754
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Apr-08

SEARETE LLC
CLARENCE T. TEGREENE
1756 - 114TH AVE., S.E.
SUITE 110
BELLEVUE WA 98004

COPY MAILED

APR 16 2008

OFFICE OF PETITIONS

In re Application of	:	
Jung et al.	:	
Application Number: 12/002778	:	ON PETITION
Filing Date: 12/17/2007	:	
Attorney Docket Number: 1007-002-002-000000	:	

This is a decision in reference to the "PETITION TO ACCORD A FILING DATE UNDER 37 CFR § 1.53(c)(2)," filed on March 25, 2008, which is treated as a petition requesting that the above-identified application, including 39 sheets of drawings, be accorded a filing date of December 17, 2007.

The petition is **GRANTED**.

The application was filed on December 17, 2007. Accordingly, on January 28, 2008, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application stating that the application had not been accorded a filing date because the application been deposited without drawings. The statutory basic filing fee, an oath or declaration, the application search and examination fees, excess page and claim fees were also required.

In response, on March 25, 2008, the present petition and a copy of 39 sheets of drawings were filed, along with the declaration under 37 CFR 1.63 and required fees.

Petitioners argue that 39 drawing sheets were filed with the other application papers on December 17, 2007, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp dated "121707" and containing the

above-identified application number. The postcard receipt identifies the application by the attorney docket number, and acknowledges receipt of, *inter alia*, "39 Sheets of Drawings (Figs. 1-39)." Petitioners request that the application, including the 39 sheets of drawings, be accorded a filing date of December 17, 2007.

A review of the record reveals that no sheets of drawings received on December 17, 2007, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on December 17, 2007, included 39 sheets of drawings, which were subsequently misplaced in the Office. Therefore, the application, including 39 sheets of drawings, is entitled to a filing date of December 17, 2007.

In view of the above, the petition is granted. The Notice of Incomplete Nonprovisional Application is withdrawn. As the petition was necessitated by an error on the part of the Office, no petition fee is due. The petition fee will be refunded.

The application will be processed with the copy of the 39 sheets of drawings supplied on March 25, 2008, as a part of the original disclosure.

The application is being referred to the Office of Patent Application Processing for further processing with a filing date of December 17, 2007, using the application papers filed on that date, and the copy of 39 sheets of drawings supplied with the present petition, and for an indication in Office records that 39 sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 571 272-3231.

/DWood/

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/002,785	12/18/2007	Matthias Gregor	MB 672	7376

7590 08/20/2009

KLAUS J. BACH & ASSOCIATES
PATENTS AND TRADEMARKS
4407 TWIN OAKS DRIVE
MURRYSVILLE, PA 15668

EXAMINER	
ESHETE, ZELALEM	
ART UNIT	PAPER NUMBER
3748	
MAIL DATE	DELIVERY MODE
08/20/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 08/21/2009 NFARMER
03/10/2008 CNEGA1 00000052 500465 12002785
03 FC:1111 510.00 CR

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United States Patent and Trademark Office
P.O. Box 1450
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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

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FEB 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Ittel et al.	:	
Application No.: 12/002925	:	DECISION ON
Filing or 371(c) Date: 12/19/2007	:	PETITION
Attorney Docket Number: CL1918 US DIV	:	

This is a decision in response to the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), filed January 2, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers ("Notice"), mailed February 8, 2008. The Notice required replacement drawings, and set a two (2) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on April 9, 2008. A Notice of Abandonment was mailed October 7, 2008.

With the present petition, Applicant has filed replacement drawings in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay have been filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to the Office of Patent Application Processing for processing of the reply, and for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/16/2010

TO SPE OF : ART UNIT 2827 (2600)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/002,930 Patent No.: 7,646,665

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ernest C. White. LTE
Randolph Sq. Ste 9D62A
703-756-1590

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- [X] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

_____

_____

_____

SPE _____ ART UNIT 2827

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Bernard Migler
1405 Autumn Lane
Cherry Hill NJ 08003

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MAR 03 2008

In re Application of	:	
Bernard Migler	:	
Application No. 12/002,963	:	DECISION ON PETITION
Filed: December 20, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 20, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
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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AUG 21 2008

OFFICE OF PETITIONS

OUR PAL ASIJA
ASIJA HOUSE
7 WOONSOCKET AVENUE
SHELTON CT 06484-5536

In re Application of :
Mark Patrick Egan :
Application No. 12/002,964 : DECISION GRANTING PETITION
Filed: January 31, 2007 :
Attorney Docket No. MPE0612CIP :

This is a decision on the petition filed July 10, 2008, requesting that the above-identified application be accorded a filing date of July 31, 2007, rather than the presently accorded filing date of December 18, 2007.

A review of the application file history reveals that the subject application is a continuation-in-part of application 11/016,438, now U.S. Patent No. 7,241,945. The application papers, including specification, claims, abstract, and drawings, were deposited on January 31, 2007, yet the subject application was accorded a filing date of December 18, 2007.

By the instant petition, petitioner maintains that the application is entitled to a filing date of January 31, 2007. In support, petitioner files an Office-date-stamped postcard whereby the USPTO acknowledged receiving the application papers on July 31, 2007.

Section 505 of the Manual of Patent Examining Procedure provides, in pertinent part, that, "[i]f an application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP § 506), the "Office Date" stamp establishes the "filing date." The evidence is convincing that the subject application should be accorded a filing date of January 31, 2007, as this was the date the USTPO acknowledged receiving the specification, claims, drawings, and abstract by affixing the Office date-stamp upon the return postcard.

Accordingly, the petition is **granted**.

The application file is being returned to the Office of Patent Application Processing for further processing with an application filing date of January 31, 2007. A corrected filing receipt will also be issued.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/10/09

TO SPE OF : ART UNIT 2841

SUBJECT : Request for Certificate of Correction for Appl. No.: 12003007 Patent No.: 7540095 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9C62-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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

X **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: The changes return the claims to the allowed state and therefore are approved

/Dean A. Reichard/

2841 SPE

Art Unit

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/003,057	12/19/2007	Masamitsu Funaoka	133189.03	8055

7590 12/03/2008

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
HEINCER, LIAM J	

ART UNIT	PAPER NUMBER
1796	

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.

Patent Publication Branch
Office of Data Management

Refund Ref:
12/04/2008 NFARMER 0000165370

CHECK Refund Total: $710.00

Adjustment date: 12/04/2008 NFARMER
07/02/2008 AWONDAF1 00000009 12003057
03 FC:1111 -510.00 OP
05 FC:1202 -200.00 OP

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

JUN 09 2009

OFFICE OF PETITIONS

Applicants: Benabdillah, et al.
Appl. No.: 12/003,067
Filing Date: December 19, 2007
Title: PRODUCTION OF STRUCTURED HAIRSTYLES USING A COMPOSITION COMPRISING REACTIVE SILICONE COMPOUNDS
Attorney Docket: 05725.1702-00000
Pub. No.: US 2008/0292572 A1
Pub. Date: November 27, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 27, 2008, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Oct-09

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

OCT 07 2009

OFFICE OF PETITIONS

In re Application of :
Katarina Benabdillah :
Application Number: 12/003067 : DECISION GRANTING PETITION
Filing Date: 12/19/2007 :
Attorney Docket Number: :
05725.1702-00000 :

This is a decision on the petition filed under 37 CFR 1.182 on June 26, 2009, to correct the file in the above-identified application.

The petition is **GRANTED**.

Petitioner asserts that the English translation filed in the above-identified application on August 4, 2008, was intended to be filed in Application No. 12/004,103 (the '103 application), and that an English translation filed in the '103 application on August 4, 2008 was intended to be filed in the subject application.

Petitioner requests that the English translations, both filed on August 4, 2008, in the subject application and the '103 applications, be switched.

The petition will be granted to the extent that the English translation in file of the subject application will be transferred to the electronic file of the '103 application. The English translation in the file of the '103 application will be transferred to the electronic file of the subject application.

The preliminary amendment filed on August 4, 2008 will not be entered because the preliminary amendment filed in each application is directed to the translation that is being moved to the other application. The Office is only switching the translations and statements regarding the accuracy of the translation.

Applicant must file a proper preliminary amendment to the specification and claims. Additionally, applicant must file a proper statement that the translation is accurate. A new statement that the translation is accurate is being required because the statement that the translation is accurate that was filed in each application with the translation refers to the specification filed with the application having the application number of the application it is currently in. Obviously, the statement is not correct since the translation is not a translation of that specification.

Applicant is given **TWO (2) MONTHS** to file the preliminary amendment and proper statement that the translation is accurate. **Extensions of time are available under 37 CFR 1.136(a).**

In view of the granting of the petition, the restriction requirement of June 17, 2009, is **withdrawn**.

After filing of the preliminary amendment and the statement, the examiner will take appropriate action in this application in due course.

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 will be referred to Technology Center Art Unit 1619 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATTERSON & SHERIDAN, LLP - - - IPTEC
3040 Post Oak Boulevard
Suite 1500
Houston TX 77056-6582

MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of :
Wen-Yi Wu et al. :
Application No. 12/003,070 : DECISION ON PETITION
Filing Date: December 19, 2007 :
Attorney Docket No. IPT/0026 :

This is a decision on the petitions, filed July 8, 2009, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment and under the unintentional provisions of 37 CFR 1.137(b) to revive the above-identified application.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

The Petition under 37 CFR 1.181 is **DISMISSED**.

The application was held abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional 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. A Notice of Abandonment was mailed October 7, 2008.

Petitioner asserts that the Office action dated January 28, 2008, was not received by the applicant or the Applicant's Taiwanese representative. Applicant acknowledges that Troxell Law Office was appointed as the representative to conduct all business before the U.S. Patent and Trademark Office (Office). Such is evident in the filing receipt mailed January 28, 2008. The Notice of January 28, 2008, was mailed to the correspondence address of record. The correspondence address to which the Notice was mailed is also acknowledged by the petitioner to be correspondence address. The Office will not engage in dual correspondence with applicant and applicant's representative. Therefore, the Office is not responsible for the applicant or applicant's Taiwanese representative not receiving the Notice.

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 (Troxel Law Office) at the address of record at the time of mailing. *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).

Accordingly, absent the required evidence to establish nonreceipt of the Office action of January 28, 2008, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time. In view of the above, the application became abandoned by law on March 29, 2008.

PETITION UNDER 37 CFR 1.137(B)

While the showing of record is not sufficient to warrant the withdrawal of the holding of abandonment the showing of record is sufficient to establish that the entire delay in filing the petition was unintentional.

The petition to revive under the unintentional provisions of 37 CFR 1.137(b) 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 the required fees listed in the Notice, (2) the petition fee of $1,620 (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.

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 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DECISION ON PETITION

In re Application of
Smorchkova et al
Serial No. 12/003,098
Filed: 20 Decemeber, 2007
For: HIGH ELECTRON MOBILITY TRANSISTOR HAVING SELF-ALIGNED MINIATURE FIELD MITIGATING PLATE AND PROTECTIVE DIELECTRIC LAYER AND FABRICATION METHOD THEREOF

This is a decision on the request for acceptance of color drawings under 37 C.F.R. §§ 1.84(a)(2) and (b)(2) filed December 20, 2007.

The petition has been reviewed and it is found to be in compliance with the requirements as set forth in 37CFR §§1.84 (a)(2) and b (2). Black and white copies of the color drawings are provided in the application and triplicates of the color drawings of each figure have also been provided. The Brief Description of the Drawings section of the specification is amended to insert as the first paragraph to state

The file of this patent contains at least one drawing executed in color photograph. Copies of this patent with color drawing(s) will be provided by the U. S. Patent and Trademark Office upon request and payment of the necessary fee.

The required fee for the petition has been paid.

The Petition is **GRANTED**.

/Wael Fahmy/
Supervisory Patent Examiner
Art Unit 2814

Attorney address:

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191
UNITED STATES

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Hideto Sakane	: DECISION ON REQUEST FOR
Patent Number	: 7658434	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/003,135	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Hideo Arimoto	: DECISION ON REQUEST FOR
Patent Number	: 7653106	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/003,208	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **125** 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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P.O. BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215

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OFFICE OF PETITIONS

In re Application of

PEARCE, Arthur P.
Application No. 12/003,217
Filed: December 20, 2007
Attorney Docket No. **29634.00**

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 20, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Arthur P. Pearce 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.

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.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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ALEXANDRIA VA 22314-1176

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OFFICE OF PETITIONS

In re Application of
Jahl et al.
Application No. 12/003,250
Filed: December 21, 2007
Attorney Docket No. JAHL3001/FJD

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed July 28, 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 items (1), (2), and (4) set forth above.

Pursuant to petitioner's request deposit account no. 02-0200 will be charged $70.00 to complete the $200 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). Petitioner has failed to establish that inventors Montalvo and Terentiev were ever presented with the application papers. If the joint inventors were not presented with a copy of the application papers for this application, then the joint inventors could not attest that they have "reviewed and understand the application papers" and could not execute the declaration they were requested to sign.

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 the non-signing inventors cannot be reached or located, petitioner has failed to demonstrate diligent effort was used to locate inventors Montalvo and Terentiev. 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 inventors. *See* MPEP 409.03(a). In this regard, petitioner should state whether he has access to inventors Montalvo and Terentiev's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventors' last known addresses. Therefore, at the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Montalvo and Terentiev'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 (2), an inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. Staeger v. Commissioner, 189 USPQ 272 (D.D.C. 1976), In re Striker, 182 USPQ 507 (Comm'r Pat. 1973).

The declaration which has been executed by Attorney D'Ambrosio on behalf of inventors Jahl, Montalvo and Terentiev is not acceptable because Attorney D'Ambrosio is not an appropriate party to execute a declaration under 37 CFR 1.47 (a).[1] 37 CFR § 1.47(a) and 35 U.S.C. 116,

[1]Where all inventors have refused to execute an application or can not be located it is appropriate for an assignee or his representative to execute the application papers and provide a declaration. See 37 CFR 1.47 (b).

second paragraph, require all available joint inventors to file an application "on behalf of" themselves and on behalf of a joint inventor who "cannot be found or reached after diligent effort" or who refuses to "join in an application."

Under 37 CFR 1.47(a), an oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated. MPEP 409.03(a).

It should further be noted that the fact that a nonsigning inventor (Jahl) is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under37 CFR 1.47.

As to item (4), the last known addresses for Montalvo and Terentiev have not been provided in the petition. To the extent the addresses provided in the declaration are the last known addresses a statement should be provided on renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By Hand:
U. S. Patent and Trademark Office
Customer Window, Mail Stop PETITIONS
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

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 :
Gunter Jahl, Holger Eberhard, Immanuel : DECISION GRANTING STATUS
Vetter, Omar Montalvo and Alexander : UNDER 37 CFR 1.47(a)
Terentiev :
Application No. 12/003,250 :
Filed: December 21, 2007
Attorney Docket No. JAHL3001/FJD
For: Method For Online Servicing of A Field
Device of Automation Technolgy

This is in response to the renewed petition under 37 CFR 1.47(a), filed February 17, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Montalvo cannot be located to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to 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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OFFICE OF PETITIONS

Omar Montalvo
Winterstrasse 7
D-76137, Karlsruhe
Germany

In re Application of
Gunter Jahl, Holger Eberhard, Immanuel Vetter, Omar Montalvo
and Alexander Terentiev
Application No. 12/003,250
Filed: December 21, 2007
Attorney Docket No. JAHL3001/FJD
For: Method For Online Servicing of A Field Device of
Automation Technology

Dear Mr. Montalvo:

You are named as a co-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 co-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: BACON & THOMAS, PLLC
625 SLATERS LANE 4th Fl.
ALEXANDRIA VA 22314-1176

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ALEXANDRIA, VA 22314-1176

Mail Date: 07/15/2010

Applicant	: Hiroaki Shimizu	: DECISION ON REQUEST FOR
Patent Number	: 7646117	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/003,251	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **26** 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

In re Application of :
B.K. GOENKA, et *al.* :
Application No. 12/003,324 : DECISION DISMISSING PETITION
Filed: December 21, 2007 : UNDER 37 CFR 1.313(a)
Attorney Docket No. **T4230-12363US01** :

This is a decision on the petition under 37 CFR 1.313(a), filed November 9, 2009, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on August 10, 2009, with the issue fee being due on or before November 10, 2009.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-7253.

The matter is being referred to Technology Center AU 1793 for appropriate processing of the RCE filed November 9, 2009, and for consideration of the concurrently filed amendment.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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FINNEGAN HENDERSON FARABOW GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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OFFICE OF PETITIONS

In re Application of :
Jean-Louis H. Gueret :
Application No. 12/003,328 : DECISION ON PETITION
Filed: December 21, 2007 :
Attorney Docket No. 05725.1706-00000 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 30, 2009.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the Notice to File Missing Parts mailed January 28, 2008. This Notice set an extendable period for reply of two months to submit: (1) an executed oath or declaration, (2) the $130 surcharge for its late filing, (3) an English language translation of the prior-filed provisional application, together with a statement that the translation is accurate, filed in the provisional application, and (4) in the nonprovisional application, a confirmation that the translation and statement have been filed in the provisional application. The Office mailed a Notice of Abandonment on January 30, 2009, stating that no reply had been received.

A review of the application file reveals the presence of a declaration, the $130 surcharge for its late filing, an English

language translation of the prior-filed provisional application, and a statement that the translation is accurate, all filed on April 28, 2008, made timely by obtaining a one month extension of time. While applicant did not file the English language translation in the provisional application, but rather in the above non-provisional application, the papers have been transferred to the provisional application.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the papers filed on April 28, 2008.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/003,348	12/21/2007	Naoya Haneda	09812.0488-01	9443

7590 03/17/2010

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
03/17/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 03/18/2010 [illegible]
02 FC:1111 -310.00 OP

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ARLINGTON, VA 22215

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OFFICE OF PETITIONS

In re Application of :
William Rex Carter :
Application No. 12/003,480 : DECISION ON PETITION
Filed: December 26, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 30067.00 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 26, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Papers for processing of the Notice of Informal Application (Notice) mailed January 31, 2008. This application will be accorded "special" status once pre-examination processing is complete.

April M. Wise
Petitions Examiner
Office of Petitions

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

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OCT 26 2009

OFFICE OF PETITIONS

In re Application of :
Young Seok Choi, et al. :
Application No. 12/003,586 : DECISION GRANTING PETITION
Filed: December 28, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 041501-5732US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 22, 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 25, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries 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 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Hiroshi Ogasawara	: DECISION ON REQUEST FOR
Patent Number	: 7581062	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/003,597	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/28/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SEYFARTH SHAW, LLP
815 CONNECTICUT AVENUE, N.W.
SUITE 500
WASHINGTON DC 20006

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OFFICE OF PETITIONS

In re Application of	:	
Du-Jin Kim	:	DECISION REFUSING STATUS
Application No. 12/003,620	:	UNDER 37 CFR 1.47(a)
Filed: December 28, 2007	:	
Attorney Docket No. 54616-005033	:	

This is in response to the petition under 37 CFR 1.47(a), filed December 28, 2007.

The petition is **DISMISSED as moot**.

Per MPEP 602.05 Oath or Declaration- Date of Execution: The Office no longer checks the date of execution of the oath or declaration and the Office will no longer require a newly executed oath or declaration based on an oath or declaration being stale (that is when the date of execution is more than 3 months prior to the filing date of the application) **or where the date of execution has been omitted**. (emphasis added) However, applicants are reminded that they have a continuing duty of disclosure under 37 CFR 1.56.

The undated declaration executed by sole inventor Du-Jin Kim is acceptable. Therefore, the Rule 47(b) petition is dismissed as moot. The $200.00 petition fee will be refunded to deposit account no. 50-4323.

After the mailing of this decision, the application will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/003,631	12/28/2007	Weber Wang	2519-0439PUS1	4919

7590 05/03/2010

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX, VA 22033

EXAMINER	
HUYNH, KHOA D	

ART UNIT	PAPER NUMBER
3751	

MAIL DATE	DELIVERY MODE
05/03/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 05/03/2010 NFARMER
12/31/2007 SZEWDIE1 00000030 022446 12003631
04 FC:2111 255.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MUNCY, GEISSLER, OLDS & LOWE, PLLC
P.O. BOX 1364
FAIRFAX VA 22038-1364

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NOV 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Hwang-Pao Lee : DECISION ON PETITION
Application Number: 12/003657 :
Filing Date: 12/28/2007 :
Attorney Docket Number: :
5050/0110PUS1 :

This is a decision on the petition filed on September 2, 2009, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on April 5, 2008, for failure to timely file a response to the Notice to File Corrected Application Papers mailed on February 4, 2009, 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 October 10, 2008.

Receipt of the required fees in response to the Notice to File Missing Parts of Nonprovisional Application is acknowledged.

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[2] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

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JUN 25 2009

OFFICE OF PETITIONS

In re Application of :
Hoon Ryu :
Application No. 12/003,701 : DECISION ON PETITION
Filed: December 31, 2007 : TO WITHDRAW
Attorney Docket No. VT072790 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 29, 2009.

The request is **APPROVED**.

The request was signed by David G. Posz on behalf of all attorneys of record listed on the Request to Withdraw as attorney or agent.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee Qimonda North America Corp. address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Qimonda North America Corp.
c/o Qimonda AG
Patent Administration Postfach 83 07 07
Munich D-81707
Germany

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/003,724	12/31/2007	Tomoki Mabuchi	135130	5780

7590 09/23/2008

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
ART UNIT	PAPER NUMBER
3748	
MAIL DATE	DELIVERY MODE
09/23/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 09/24/2008 BPOWELL
01/02/2008 JADD01 00000068 12003724
02 FC:1111 -510.00 OP

Adjustment Date: 09/24/2008 BPOWELL
09/18/2007 SSESHE2 00000006 082461 10900902
01 FC:2501 700.00 CR

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www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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JAN 08 2010

In re Application of :
Lars I. SAMUELSON et al :
Application No. 12/003,740 : DECISION ON PETITION
Filed: December 31, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 077424-0208 : 37 CFR 1.102(c)(2)
:

This is a decision on the petition under 37 CFR 1.102(c)(2), filed December 11, 2009, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102(c)(2) and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face

that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 5 as explained below.

In regard to item 5, it is noted the petition includes a statement indicating that the application materially contributes to discovery or development of renewable energy resources. However the statement does not make clear how the instant claimed invention materially contributes to either Category (A) or (B). As stated in section III of the Notice, applicant must provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX:
(571) 273-8300

Telephone inquiries concerning this decision should be directed to Olisa Anwah at 571-272-6051.

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 in its regular turn.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

MUNCY, GEISSLER, OLDS & LOWE, PLLC
P.O. BOX 1364
FAIRFAX, VA 22038-1364

In re Application of
Devid Michael Zakutin
Application No. 12/003,856
Filed: January 2, 2008
Attorney Docket No. 5900/0116PUS1

ON PETITION

This is a decision on the petition, filed June 3, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

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 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) was obtained. Accordingly, the application became abandoned on March 9, 2008. A Notice of Abandonment was mailed on October 9, 2008. On June 3, 2009, 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 payment of basic filing fee of $165, the search fee of $270, examination fee of $110 and the surcharge of $65; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/003,871	01/03/2008	Masato Kirigaya	01-1571	6332

7590 09/10/2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER	
SMITH, COURTNEY L	

ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
09/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/11/2009 NFARMER 0000159777

CHECK Refund Total: $510.00

Adjustment date: 09/11/2009 NFARMER
01/04/2008 DEMMANU1 00000009 12003871
02 FC:1111 -510.00 OP

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/11/2010

Applicant	: Chieh-Jung Li	: DECISION ON REQUEST FOR
Patent Number	: 7616031	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/003,879	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/03/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/003,886	01/03/2008	Pun Jae Choi	069576-0325	6320

20277 7590 03/24/2010
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER	
HSIEH, HSIN YI	

ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
03/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of
CHOI et al
Application No.: 12/003,886
Filed: 03 January 2008
Attorney Docket No. : 069576-0325
For: SEMICONDUCTOR LIGHT EMITTING DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 23 February 2010, to make the above-identified application special.

The request and petition are **Granted**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application 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 KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) 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 under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) 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 under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that 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 KR 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. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);
7. A 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.

Any response must be submitted via EFS-Web.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Lee W. Young
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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TROXELL LAW OFFICE PLLC
ONE SKYLINE PLACE, SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

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MAR 27 2009

OFFICE OF PETITIONS

In re Application of :
Wiang-Jui LEE, et al :
Application No. 12/003,957 : DECISION ON PETITION
Filed: January 3, 2008 :
Attorney Docket No. 3092-789 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 12, 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 January 30, 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 31, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form the required fees; (2) the petition fee of $810; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571)272-6735.

This application is being referred to the Office of Patent Application Processing for further processing in the normal course of business.

/Thurman K Page/
Thurman Page
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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JAN 11 2010

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

In re Application of :
Wan-Shui Lin :
Application No. 12/003,958 : DECISION ON PETITION
Filed: January 3, 2008 :
Attorney Docket No. 28611-US-PA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed January 30, 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 31, 2008. A Notice of Abandonment was mailed October 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 a $65 surcharge fee, $165 basic filing fee, $270 search fee and $110 examination fee (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly the fees are accepted as being unintentionally delayed.

Our records indicate that this application is under a small entity status and the petition fee is $810.00. Petitioner filed the instant petition with a large entity fee of $1,620. A refund of $810 will be credited to petitioner's deposit account. If the entity status has changed applicant must notify the Office by way of a petition under 37 CFR 1.28(c).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a

reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received October 5, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

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JAN 29 2009

OFFICE OF PETITIONS

In re Application of
Yi-Chun Lin, et. al.
Application No. 12/003,976
Filed: January 4, 2008
Attorney Docket No. MR2847-44

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 3, 2008, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Notice to File Corrected Application Papers mailed on February 4, 2008. A Notice of Abandonment was mailed on October 10, 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 to the specification and drawings[1]; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] The Petition to Accept Color Drawings under 37 CFR 1.84(b)(2), filed December 3, 2008, will be considered by a Supervisory Patent Examiner in the Technology Center to which the application has been assigned.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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MAR 19 2009

OFFICE OF PETITIONS

DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

In re Application of Hac :
Application No. 12/004,007 : Decision on Petition
Filing Date: December 19, 2007 :
Attorney Docket No. DP-315651 :

This is a decision on the petition filed October 24, 2008, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **granted**.

The Office mailed a Notice to File Corrected Application Papers on January 29, 2008. The Notice required the submission of corrected drawings. The Notice set an extendable period for reply of two months.

A reply to the Notice to File Corrected Application Papers was not matched with the file and the application became abandoned on Tuesday, April 1, 2008.

A Notice of Abandonment was mailed October 7, 2008.

The instant petition was filed October 24, 2008. Petitioner asserts a reply was timely filed in response to the January 29, 2008.

A review of the copy of the reply filed with the petition indicates the application number listed on the reply was Application No. 60/998,141. A review of Office records indicates the reply was matched with the file for Application No. 60/998,141.

At the discretion of the Office, a paper listing an incorrect application number may be considered timely and proper. The Office will accept papers as timely filed if the following criteria are met:

(1) The papers contained sufficient information for the Office to recognize they included an incorrect application number.
(2) The papers contained sufficient information for the Office to determine the correct application number.

In this case, the error in the heading was not a simple error such as a transliteration of two digits in the application number. Instead, the heading listed an incorrect application number, incorrect attorney docket number, incorrect applicant name, incorrect filing date, and incorrect title.

However, the reply was accompanied by a copy of the Notice to File Corrected Application Papers which listed a correct application number. Therefore, the Office could have determined the application number on the papers was incorrect and could have determined the correct application number.

The reply filed February 19, 2008, has been transferred from the file for Application No. 60/998,141, to the file for the instant application.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office of Patent Examination Processing will be informed of the instant decision and will prepare the application for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

JUL 10 2009

OFFICE OF PETITIONS

Applicant: Brun et al.
Appl. No.: 12/004,051
Filing Date: December 20, 2007
Title: COMPOSITION COMPRISING A COMPOUND X AND A COMPOUND Y, AT LEAST ONE OF WHICH IS A SILICONE, AND A HYDROPHOBIC DIRECT DYE
Attorney Docket: 05725.1703-00000
Pub. No.: US 2008/0184496 A1
Pub. Date: August 7, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 3, 2008, for the above-identified application.

The request is GRANTED.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/004,065	12/20/2007	Kousuke Kubota	135087	9017

25944 7590 08/07/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
TRAN, HOAN H	
ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
08/07/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ALEXANDRIA, VA 22320-4850

In re Application of	**: DECISION ON REQUEST TO**
Kousuke KUBOTA, et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/004,065	**: PROSECUTION HIGHWAY**
Filed: 20 December 2007	**: PROGRAM AND PETITION**
Attorney Docket No.: 135087	**: TO MAKE SPECIAL UNDER**
For: Color image forming apparatus and color image forming method	**: 37 C.F.R. 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 C.F.R. 1.102(d), filed 18 June 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority to an application filed in the JPO, or
   ii. validly claims priority to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 C.F.R. 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, 2, 4, 5, 6, and 7 above are considered to have been met.
However, the request to participate in the PPH program fails to meet requirement 3.

Regarding requirement 3, Petitioner has not amended the claims of the instant U.S. Patent Application to sufficiently correspond to the allowable claims in the JPO application.

Claim 1 of the instant U.S. Application recites the term "medium" in lines 3, 6, 9-12, 15, 17, and 20, while the JPO application correspondingly recites the term "material" in its claim 1. The term "medium" recited therein renders the claimed feature (e.g. a recording medium conveyance unit recited in line 3) broader than the term "material" (e.g. a recording material conveyance unit) recited in the JPO application. In addition, claim 1 of the instant U.S. Application recites "a color-shift-detection-image forming unit" in line 5, "a recording-medium color-shift correcting unit" in line 11, "a conveyance-unit color-shift correcting unit" in line 14, and "the recording-medium color-shift correction unit" in lines 17-18, while the JPO Application correspondingly and respectively recites "color-shift-detection-image forming means", "recording-material color-shift correcting means", "conveyance-unit color-shift correcting means", and "the recording-medium color-shift correction means" in its claim 1. Such a change of terminologies differs in scope of the claimed inventions.

Claim 2 of the instant U.S. Application recites the term "medium" in lines 4, 7, 10, 12, 14, 17, 18, and 21, while the JPO application correspondingly recites the term "material" in its claim 2. The term "medium" recited therein renders the claimed feature (e.g. a recording medium conveyance unit recited in line 4) broader than the term "material" (e.g. a recording material conveyance unit) recited in the JPO application. In addition, claim 2 of the instant U.S. Application recites "a color-shift-detection-image forming unit" in line 6, "a recording-medium color-shift correcting unit" in line 12, "a conveyance-unit color-shift correcting unit" in line 16, and "the recording-medium color-shift correction unit" in lines 18-19, while the JPO Application correspondingly and respectively recites "color-shift-detection-image forming means", "recording-material color-shift correcting means", "conveyance-unit color-shift correcting means", and "the recording-medium color-shift correction means" in its claim 2. Such a change of terminologies differs in scope of the claimed inventions.

Claim 3 of the instant U.S. Application recites the term "medium" in lines 4, 7, 10, 12, 15, 18, and 22, while the JPO application correspondingly recites the term "material" in its claim 3. The term "medium" recited therein renders the claimed feature (e.g. a recording medium conveyance unit recited in line 4) broader than the term "material" (e.g. a recording material conveyance unit) recited in the JPO application. In addition, claim 3 of the instant U.S. Application recites "a color-shift-detection-image forming unit" in line 6, "a recording-medium color-shift correcting unit" in line 12, "a conveyance-unit color-shift correcting unit" in line 17, and "the recording-medium color-shift correction unit" in line 18, while the JPO Application correspondingly and respectively recites "color-shift-detection-image forming means", "recording-material color-shift correcting means", "conveyance-unit color-shift correcting means", and "the recording-medium color-shift correction means" in its claim 3. Such a change of terminologies differs in scope of the claimed inventions. Furthermore, claim 3 of the instant U.S. Application does not include a phrase "by the recording material color shift correction means" between "the color-shift correction" and "as a reference" in line 18 while the JPO recites such limitation in its claim 3. Such exclusion of the phrase makes claim 3 of the U.S. Application broader than claim 3 of the JPO Application.

Claim 4 of the instant U.S. Application recites the term "medium" in lines 4, 7, 10, 12-14, 17, and 21, while the JPO application correspondingly recites the term "material" in its claim 4. The term "medium" recited therein renders the claimed feature (e.g. a recording medium conveyance

unit recited in line 4) broader than the term "material" (e.g. a recording material conveyance unit) recited in the JPO application. In addition, claim 4 of the instant U.S. Application recites "a color-shift-detection-image forming unit" in line 6, "a recording-medium color-shift correcting unit" in line 12, "a conveyance-unit color-shift correcting unit" in line 16, and "the recording-medium color-shift correction unit" in line 17, while the JPO Application correspondingly and respectively recites "color-shift-detection-image forming means", "recording-material color-shift correcting means", "conveyance-unit color-shift correcting means", and "the recording-medium color-shift correction means" in its claim 4. Such a change of terminologies differs in scope of the claimed inventions. Furthermore, claim 4 of the instant U.S. Application does not include a phrase "by the recording material color shift correction means" between "the color-shift correction" and "as a reference" in line 18 while the JPO correspondingly recites such limitation in its claim 4. Such exclusion of the phrase makes claim 4 of the U.S. Application broader than claim 3 of the JPO Application.

Claim 5 of the instant U.S. Application recites the term "medium" in lines 4, 7, 10, 14-15, 17, 20, 23, and 25, while the JPO application correspondingly recites the term "material" in its claim 5. The term "medium" recited therein renders the claimed feature (e.g. a recording medium conveyance unit recited in line 4) broader than the term "material" (e.g. a recording material conveyance unit) recited in the JPO application. In addition, claim 5 of the instant U.S. Application recites "a color-shift-detection-image forming unit" in line 6, "a recording-medium color-shift correcting unit" in line 14, "a conveyance-unit color-shift correcting unit" in line 19, and "the recording-medium color-shift correction unit" in line 20, while the JPO Application correspondingly and respectively recites "color-shift-detection-image forming means", "recording-material color-shift correcting means", "conveyance-unit color-shift correcting means", and "the recording-medium color-shift correction means" in its claim 5. Such a change of terminologies differs in scope of the claimed inventions.

Claim 6 of the instant U.S. Application recites the terms "medium" in lines 6-9 and "unit" in lines 6 and 8, while the JPO Application correspondingly and respectively recites "material" and "means" in its claim 6. Such terms change the scope of the claimed inventions.

Claim 7 of the instant U.S. Application recites the terms "medium" in lines 5 and 7, while the JPO Application correspondingly and respectively recites "material" in its claim 7. Such terms change the scope of the claimed inventions.

Claim 8 of the instant U.S. Application recites the terms "medium" in lines 2 and 4 and "unit" in line 2, while the JPO Application correspondingly and respectively recites "material" and "means" in its claim 8. Such terms change the scope of the claimed inventions.

Claim 9 of the instant U.S. Application recites the terms "medium" in lines 7-9, while the JPO Application correspondingly recites "material" in its claim 9. Such terms change the scope of the claimed inventions.

Claim 10 of the instant U.S. Application recites the terms "unit" in line 2, while the JPO Application correspondingly recites "means" in its claim 10. Such terms change the scope of the claimed inventions.

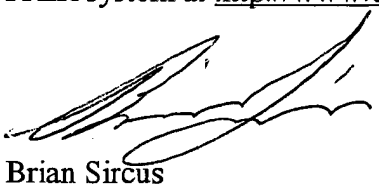
Claim 11 of the instant U.S. Application recites the terms "medium" in line 2, and "unit" in lines 2-3, while the JPO Application correspondingly and respectively recites "material" and "means" in its claim 11. Such terms change the scope of the claimed inventions.
Claim 12 of the instant U.S. Application recites the terms "medium" in lines 3 and 7, and "unit" in lines 3, 5, and 7, while the JPO Application correspondingly and respectively recites "material" and "means" in its claim 12. Such terms change the scope of the claimed inventions.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.REQUEST. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Brian Sircus at (571) 272-2058.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.



Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/004,065	12/20/2007	Kousuke Kubota	135087	9017

25944 7590 09/09/2009

OLIFF & BERRIDGE, PLC
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EXAMINER	
TRAN, HOAN H	

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
09/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ALEXANDRIA VA 22320-4850

In re Application of
Kousuke KUBOTA, et al.
Application No.: 12/004,065
Filed: 20 December 2007
Attorney Docket No.: 135087
For: COLOR IMAGE FORMING APPARATUS AND COLOR IMAGE FORMING METHOD

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 18 June 2009 and renewed on 2 September 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
c. A statement that the English translation is accurate;

6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

It is noted that the claims correspondence table is not filled out, however the claim numbering is identical and the correspondence is identical except as noted on the claims correspondence form.

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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ALEXANDRIA VA 22320-4850

In re Application of
SUWA, TAKAHIRO, et al.
Application No. 12/004,074
Filed: December 20, 2007
Attorney Docket No. 135081

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 27, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with item 7 above in that the credit card payment form (PTO-2038) was not attached to the petition.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Kenneth Wieder at 571-273-2986 (RightFax) or 571-273-0308 or via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
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P.O. BOX 320850
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In re Application of
SUWA, TAKASHIRO, et al.
Application No. 12/004,074
Filed: December 20, 2007
Attorney Docket No. 135081

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 December 12, 2008 and December 31, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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K.F. ROSS P.C.
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX NY 10471-0900

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NOV 16 2009

OFFICE OF PETITIONS

In re Patent No. 7,537,492 :
Application No. 12/004,089 :
Filed: December 19, 2007 : ON PETITION
Issued: May 26, 2009 :
Attorney Docket No. 24095 :

This is a decision on the petition filed June 1, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

Petitioner contends that "the errors were made at the USPTO, since the originally submitted papers were correct". However, the originally filed PTOL-85 Transmittal form submitted and signed by Andrew Wilford on April 14, 2009 clearly shows on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee the assignee as "HIRSCHMANN AUTOMOTIVE GMBH MUNCHEN, GERMANY." Mr. Wilford on April 23, 2009 submitted an additional PTOL-85 form with an additional assignee.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

Additionally, the request under 37 CFR 3.81(b) was not accompanied by the $130.00 surcharge fee as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

Telephone inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Inquiries regarding the certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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DEC 16 2009

OFFICE OF PETITIONS

In re Patent No. 7,537,492
Application No. 12/004,089
Filed: December 19, 2007
Issued: May 26, 2009
Attorney Docket No. 24095

ON PETITION

This is a decision on the renewed petition filed November 20, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Additionally, 37 CFR 3.81(b) requires payment of a $130.00 surcharge fee which will be charged to petitioner's deposit account as authorized November 20, 2009.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Joan Olszewski
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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OCT 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Gilles Genain	:	
Application Number: 12/004103	:	DECISION GRANTING PETITION
Filing Date: 12/20/2007	:	
Attorney Docket Number:	:	
05725.1711-00000	:	

This is a decision on the petition filed under 37 CFR 1.182 on June 26, 2009, to correct the file in the above-identified application.

The petition is **GRANTED**.

Petitioner asserts that the English translation filed in the above-identified application on August 4, 2008, was intended to be filed in Application No. 12/003,067 (the '067 application), and that an English translation filed in the '067 application on August 4, 2008 was intended to be filed in the subject application.

Petitioner requests that the English translations, both filed on August 4, 2008, in the subject application and the '067 applications, be switched.

The petition will be granted to the extent that the English translation in file of the subject application will be transferred to the electronic file of the '067 application. The English translation in the file of the '067 application will be transferred to the electronic file of the subject application.

The preliminary amendment filed on August 4, 2008 will not be entered because the preliminary amendment in each application is

directed to the translation that is being moved to the other application. The Office is only switching the translations and statements regarding the accuracy of the translation.

Applicant must file a proper preliminary amendment to the specification and claims. Additionally, applicant must file a proper statement that the translation is accurate. A new statement that the translation is accurate is being required because the statement that the translation is accurate that was filed in each application with the translation refers to the specification filed with the application having the application number of the application it is currently in. Obviously, the statement is not correct since the translation is not a translation of that specification.

Applicant is given **TWO (2) MONTHS** to file the preliminary amendment and proper statement that the translation is accurate. **Extensions of time are available under 37 CFR 1.136(a).**

In view of the granting of the petition, the restriction requirement of June 2, 2009, is withdrawn.

After filing of the preliminary amendment and the statement, the examiner will take appropriate action in this application in due course.

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 Technology Center Art Unit 1619 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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Ty Ung
168 Ventura Boulevard
Suite 360
Encino, CA 91436

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JUL 21 2008

In re Application of	:	
Janice Moberly	:	
Application No. 12/004,113	:	DECISION ON PETITION
Filed: December 18, 2007	:	TO WITHDRAW
Attorney Docket No. 22981.001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 18, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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, "no longer with firm ...," does not meet any of the conditions set forth in 37 CFR 10.40.

A courtesy copy of this decision is being mailed to applicant.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant or assignee.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Janice Moberly
33 Farmstead Lane
Watermill, NY 11976

cc: Patel & Alumit PC
16830 Ventura Boulevard, Suite 360
Encino, CA 91436

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OFFICE OF PETITIONS

In re Application of Chad Cai, Peter Nicholas Braido, Bob Allan, Paul Edward Ashworth, Steve Kruse, and Lise Lachance Application No. 12/004,170 Filed: December 19, 2007 Attorney Docket No. 000293-0107-101 Title: PROSTHETIC HEART VALVE INCLUDING STENT STRUCTURE AND TISSUE LEAFLETS, AND RELATED METHODS	:	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a)[1], filed concurrently with this application on December 19, 2007.

1A grantable petition under 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 C.F.R. § 1.63.

This petition is **DISMISSED.**

On December 19, 2007, the application was filed, identifying Chad Cai, Peter Nicholas Braido, Bob Allan, Paul Edward Ashworth, Steve Kruse, and Lise Lachance as joint inventors. This petition was filed concurrently with the present application: Petitioner has included the last known address of non-signing inventor Lise Lachance, and has indicated that she cannot be located.

The petition has met requirements (1), (3), and (5) of Rule § 1.47(a). Requirement (2) is not applicable.

Regarding the fourth requirement of Rule § 1.47(a), Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventor. Petitioner has set forth that the non-signing joint inventor cannot be reached, and as such, Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor. Petitioner has provided a copy of three searches, and each has produced a single result.

The undersigned has performed a search using LEXISNEXIS®, which has resulted in the address of 1485 Michelle Way, Santa Rosa, CA, 95404-8623.

Prior to filing a renewed petition, Petitioner should mail a complete copy of the application to this address, and provide the non-signing inventor with an appropriate period of time to respond.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[2], hand-delivery[3], or facsimile[4]. 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.

---

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.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[5].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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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OFFICE OF PETITIONS

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In re Application of	:	
Chad Cai, Peter Nicholas	:	
Braido, Bob Allan, Paul Edward	:	
Ashworth, Steve Kruse, and Lise	:	
Lachance	:	
Application No. 12/004,170	:	
Filed: December 19, 2007	:	DECISION ON RENEWED
Attorney Docket No. 000293-	:	PETITION PURSUANT TO
0107-101	:	37 C.F.R. § 1.47(A)
Title: PROSTHETIC HEART VALVE	:	
INCLUDING STENT STRUCTURE AND	:	
TISSUE LEAFLETS, AND RELATED	:	
METHODS	:	

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a), filed on June 26, 2008.

This renewed petition is **DISMISSED**.

On December 19, 2007, the application was filed, identifying Chad Cai, Peter Nicholas Braido, Bob Allan, Paul Edward Ashworth, Steve Kruse, and Lise Lachance as joint inventors. This petition

was filed concurrently with the present application: Petitioner has included the last known address of non-signing inventor Lise Lachance, and has indicated that she cannot be located.

An original petition pursuant to 37 C.F.R. § 1.47(a) was included on initial deposit, and was dismissed via the mailing of a decision on March 3, 2008.

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(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
    a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
    b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

The decision on the original petition indicated that requirements (1), (3), and (5) of Rule § 1.47(a) had been met. The second requirement is not applicable, as the original petition had been included on initial deposit.

In the original petition, Petitioner asserted that the non-signing invntor could not be located. The decision on the original petition indicated that the undersigned located the non-signing inventor in California, and further indicated that Petitioner should mail a complete copy of the application to this address, and provide the non-signing inventor with an appropriate period of time to respond.

With this renewed petition, Petitioner has established that a complete copy of the application was sent to this address, this

package was delivered on June 7, 2008, an a response from the non-signing inventor has not been forthcoming. Petitioner has further included a two-month extension of time so as to make timely this submission.

As such, the fourth requirement of Rule § 1.47(a) has been satisfied.

The decision on the original petition indicated that the fifth requirement of Rule 1.47(a) had been met. It is noted that the declaration contains the last-known address for the non-signing inventor as 66 King Street E., St. Paul, Minnesota, 55107. It is further noted that in the original petition, Ms. Pahan set forth that the phone number that is associated with this address had been disconnected, and that a package that had been sent to this address was undeliverable. These facts strongly suggest that Ms. LaChance no longer resides at the Minnesota address. With this renewed petition, Petitioner has established that a package was successfully delivered to the California address. In lieu thereof, it appears that the non-signing inventor currently resides at the California address.

As such, **the fifth requirement of Rule 1.47(a) has not been met in that the declaration contains an incorrect address for Ms. LaChance.**

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 Under 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Along with the second renewed petition, Petitioner should submit either a declaration or an Application Data Sheet (ADS) that contains the correct address for the non-signing joint inventor.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[4].

---

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

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[5].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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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SEP 26 2008

OFFICE OF PETITIONS

In re Application of	:	
Chad Cai, Peter Nicholas Braido, Bob Allan, Paul Edward Ashworth, Steve Kruse, and Lise Lachance	:	
Application No. 12/004,170	:	
Filed: December 19, 2007	:	DECISION ON SECOND RENEWED
Attorney Docket No. 000293-0107-101	:	PETITION PURSUANT TO 37 C.F.R. § 1.47(A)
Title: PROSTHETIC HEART VALVE INCLUDING STENT STRUCTURE AND TISSUE LEAFLETS, AND RELATED METHODS	:	

This is in response to the second renewed petition pursuant to 37 C.F.R. § 1.47(a), filed on September 8, 2008.

This second renewed petition is **DISMISSED.**

On December 19, 2007, the application was filed, identifying Chad Cai, Peter Nicholas Braido, Bob Allan, Paul Edward Ashworth, Steve Kruse, and Lise Lachance as joint inventors. An original petition pursuant to 37 C.F.R. § 1.47(a) was included on initial deposit: Petitioner included the last known address of non-signing inventor Lise Lachance, and indicated that she cannot be located.

The original petition pursuant to 37 C.F.R. § 1.47(a) was dismissed via the mailing of a decision on March 3, 2008.

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(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
    a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
    b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

The decision on the original petition indicated that requirements (1), (3), and (5) of Rule § 1.47(a) had been met. The second requirement is not applicable, as the original petition had been included on initial deposit.

In the original petition, Petitioner asserted that the non-signing inventor could not be located. The decision on the original petition indicated that the undersigned located the non-signing inventor in California, and further indicated that Petitioner should mail a complete copy of the application to this address, and provide the non-signing inventor with an appropriate period of time to respond.

A renewed petition pursuant to 37 C.F.R. § 1.47(a) was filed on June 26, 2008. With the renewed petition, Petitioner established that a complete copy of the application was sent to this address, this package was delivered on June 7, 2008, an a response from the non-signing inventor has not been forthcoming. Petitioner further included a two-month extension of time so as to make timely this submission. As such, the fourth requirement of Rule § 1.47(a) was satisfied with the renewed petition.

The renewed petition was dismissed in a decision mailed on July 21, 2008. The decision indicated, *in pertinent part*:

> The decision on the original petition indicated that the fifth requirement of Rule 1.47(a) had been met. It is noted that the declaration contains the last-known address for the non-signing inventor as 66 King Street E., St. Paul, Minnesota, 55107. It is further noted that in the original petition, Ms. Pahan set forth that the phone number that is associated with this address had been disconnected, and that a package that had been sent to this address was undeliverable. These facts strongly suggest that Ms. LaChance no longer resides at the Minnesota address. With this renewed petition, Petitioner has established that a package was successfully delivered to the California address. In lieu thereof [sic], it appears that the non-signing inventor currently resides at the California address.
>
> As such, **the fifth requirement of Rule 1.47(a) has not been met in that the declaration contains an incorrect address for Ms. LaChance.**
>
> ...
>
> **Along with the second renewed petition, Petitioner should submit either a declaration or an Application Data Sheet (ADS) that contains the correct address for the non-signing joint inventor.**
>
> Emphases included.

With this second renewed petition, Petitioner has included an ADS that contains the correct California address for non-signing inventor LaChance. However, this ADS cannot be accepted, for the following two reasons.

First, the ADS 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).

Second, this ADS fails to comply with 37 C.F.R. § 1.76(a), in that it is not titled "Application Data Sheet" and it fails to contain "all of the section headings listed in paragraph (b) of this section, with any appropriate data for each section heading."

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OFFICE OF PETITIONS

In re Application of	:	
Chad Cai, Peter Nicholas	:	
Braido, Bob Allan, Paul Edward	:	
Ashworth, Steve Kruse, and Lise	:	
Lachance	:	
Application No. 12/004,170	:	
Filed: December 19, 2007	:	DECISION ON THIRD RENEWED
Attorney Docket No. 000293-	:	PETITION PURSUANT TO
0107-101	:	37 C.F.R. § 1.47(A)
Title: PROSTHETIC HEART VALVE	:	
INCLUDING STENT STRUCTURE AND	:	
TISSUE LEAFLETS, AND RELATED	:	
METHODS	:	

This is in response to the third renewed petition pursuant to 37 C.F.R. § 1.47(a), filed on November 20, 2008.

This third renewed petition is **GRANTED**.

On December 19, 2007, the application was filed, identifying Chad Cai, Peter Nicholas Braido, Bob Allan, Paul Edward Ashworth, Steve Kruse, and Lise Lachance as joint inventors. An original petition pursuant to 37 C.F.R. § 1.47(a) was included on initial deposit: Petitioner included the last known address of non-signing inventor Lise Lachance, and indicated that she cannot be located.

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(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
    a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
    b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

The original petition pursuant to 37 C.F.R. § 1.47(a) was dismissed via the mailing of a decision on March 3, 2008.

A renewed petition pursuant to 37 C.F.R. § 1.47(a) was filed on June 26, 2008, and was dismissed via the mailing of a decision on July 21, 2008.

A second renewed petition pursuant to 37 C.F.R. § 1.47(a) was filed on September 8, 2008, and was dismissed via the mailing of a decision on September 26, 2008, which indicated that the Application Data Sheet that was submitted concurrently therewith could not be accepted, as it has not been executed and it is not in compliance with 37 C.F.R. § 1.76(a).

With this third renewed petition pursuant to 37 C.F.R. § 1.47(a), Petitioner has submitted an executed ADS that is in compliance with 37 C.F.R. § 1.76(a).

As such, requirements (1) and (3) - (5) of 37 C.F.R. § 1.47(a) have been satisfied. The second requirement is not applicable, as the original petition was included on initial deposit. This application is hereby accorded Rule 1.47(a) status.

As provided in 37 C.F.R. § 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor

at the address which appears on the ADS. Notice of the filing of this application will also be published in the *Official Gazette*.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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OFFICE OF PETITIONS

In re Application of	:	
Yong Wang et al.	:	
Application No. 12/004,177	:	DECISION ON PETITION
Filed: December 19, 2007	:	TO WITHDRAW
Attorney Docket No. **AM102740**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed July 16, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with the above application has been revoked by the assignee of the patent application on August 6, 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: INTEGRATED DEVICE TECHNOLOGY, INC.
6024 SILVER CREEK VALLEY RD.
SAN JOSE CA 95138

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AUG 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Charles W. Maddox	:	DECISION ON PETITION
Application No. 12/004,267	:	TO WITHDRAW
Filed: December 20, 2007	:	FROM RECORD
Attorney Docket No. MADXC-002A	:	

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.

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 William J. Brucker on behalf of all attorneys of record who are associated with Customer No. 07663.

All attorneys/agents associated with Customer Number 07663 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed April 20, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Charles W. Maddox
726 W. Angus, Unit C
Orange CA 92868

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SEP 14 2009

OFFICE OF PETITIONS

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413

In re Application of :
Pengfei Hu et al. :
Application No. 12/004,271 : DECISION ON PETITION
Filed: December 19, 2007 : TO WITHDRAW
Attorney Docket No. 9145.0054-00 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 17, 2009.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., has been revoked by the assignee of the patent application on July 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below listed 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: Integrated Device Technology, Inc.
6024 Silver Creek Valley Road
San Jose, CA 95138

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/004,271	12/19/2007	Pengfei Hu	9145.0054-00

CONFIRMATION NO. 9335

POWER OF ATTORNEY NOTICE

22852
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Date Mailed: 09/11/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/19/2009.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Alexandria, VA 22313-1450
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THOMAS G. PACKARD
7005 150th PL. SW.
EDMONDS WA 98026

COPY MAILED

JAN 28 2008

OFFICE OF PETITIONS

In re Application of :
PACKARD, Thomas G. :
Application No. 12/004,324 :
Filed: December 20, 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 20, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes statement and Federal Aviation Pilot License of inventor Thomas G. Packard, 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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HOLLAND & HART, LLP
P.O. Box 8749
Denver, CO 80201

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JUL 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Gary Considine, et al.	:	
Application No. 12/004,337	:	DECISION ON PETITION
Filed: December 18, 2007	:	TO WITHDRAW
Attorney Docket No. 57066.83003.US2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 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 Robert C. Ryan on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Gary Considine**
20559 Chatsbo Drive
Woodland hills, CA 91364

cc: **Garri Productions, Inc.**
20559 Chatsboro Drive
Woodland Hills, CA 91364

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/004,337	12/18/2007	Gary Considine	57066.830003.US2

CONFIRMATION NO. 9077

POWER OF ATTORNEY NOTICE

26582
HOLLAND & HART, LLP
P.O BOX 8749
DENVER, CO 80201

OC0000000037120803

Date Mailed: 07/29/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/18/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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ANNE MCGOVERN BURKHART C/O CARMER PATTI LAW GROUP
1 NORTH LA SALLE, 44TH FLOOR
CHICAGO IL 60602

MAILED

JUL 21 2010

OFFICE OF PETITIONS

In re Application of :
Buzgau et al. :
Application No. 12/004,371 :
Filed: December 20, 2007 :
Attorney Docket No. buz-101 :

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 30, 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 Anne McGovern Burkhart on behalf of all attorneys of record who are associated with Customer No. 50035.

All attorneys/agents associated with Customer Number 50035 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 an outstanding Office action mailed April 29, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Aurelia Buzgau
5800 N. Lincoln Ave. Unit A
Chicago, IL 60655

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OFFICE OF PETITIONS

ATER WYNNE LLP
1331 NW LOVEJOY ST. SUITE 900
PORTLAND OR 97209-2785

In re Application of :
Robinson, et al. :
Application No. 12/004,392 : DECISION ON PETITIONS
Filing or 371(c) Date: 19 December, 2007 : 37 C.F.R. §1.78(a)(3) AND §(a)(6)
Attorney Docket No. 103147-0009 :

This is a decision on the petition filed 16 September, 2009, pursuant to 37 C.F.R. § 1.78(a)(3) to accept an unintentionally delayed claim 35 U.S.C. §120 and §119(e) for the benefit of a prior filed nonprovisional application and provisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED.**

A petition for acceptance of a claim for late priority pursuant to 37 C.F.R. §1.78(a)(3) and (a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 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 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 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.

The petition does not comply with item **(1)**

37 C.F.R. §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* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 C.F.R. §1.78(a)(2)(i) and is therefore unacceptable.

Applicant files the present petition to claim priority of the present application, in relevant part, as a continuation-in-part of application no. 11/982,707, filed 2 November, 2007, which claims priority to Provisional Application No. 60/856,404, filed 2 November, 2006.

Thereafter, however, Petitioner states that Provisional Application No. 60/856,404 "is a continuation in part of and claims benefit of priority to U.S. Patent Application Serial No. 09/686,206 *** filed 10 October, 2000."

Such a claim of priority is not proper.

Before the petition pursuant to 37 C.F.R. §1.78(a)(3) and (a)(6) can be considered and granted, a renewed petition pursuant to 37 C.F.R. §1.78(a)(3) and (a)(6) and an Application Data Sheet or a substitute amendment (complying with 37 C.F.R. §1.121 and 37 C.F.R. §1.76(b)(5)), which states the relationship of the prior-filed application to this application, are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITIONS
Director for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax:
(571) 273-8300
ATTN: Office of Petitions

Questions concerning this decision may be directed to John Gillon, attorney, at (571) 272-3214; questions as to the application may be directed to the Technology Center/AU.

Anthony Knight
Supervisor
Office of Petitions

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TED MASTERS & ASSOCIATES, INC.
5121 SPICEWOOD DRIVE
CHARLOTTE, NC 28227-0313

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MAY 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Michael K. Julian, et al.	:	
Application No. 12/004,460	:	DECISION ON PETITION
Filed: December 20, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 26, 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 Kirby L. Julian's voter's registration card. 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 3728 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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Ping-Chung Ng
No. 92, 1/F, Lok Lo Ha Tsuen
Fo Tan
Hong Kong HK HONG KONG

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OFFICE OF PETITIONS

In re Application of
Pin-Chung Ng
Application No. 12/004,516
Filed: December 21, 2007
Attorney Docket No. P70367US1
For: ROUTE PLANNING PROCESS

ON PETITION

This is a decision on the correspondence filed on April 20, 2009, which is being treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the Restriction Requirement, mailed July 17, 2008, which set forth an extendable one (1) month period for reply. The Office contended that this application became abandoned on August 18, 2008 for failure to reply. A Notice of Abandonment was mailed on March 16, 2009.

Petitioner requests withdrawal of the holding of abandonment based on the assertion that a petition for a four month extension of time and election were timely received in the Office on December 11, 2008. The undersigned finds this argument completely convincing, as the December 11, 2008 election is present in the application file and a review of Office financial records for this application reveals that a $865.00 four month extension of time was charged on December 11, 2008.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the March 16, 2009 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be forwarded to Technology Center A.U. 3663 for consideration of the election filed on December 11, 2008.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA PA 19106-2399

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MAY 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Areski Rezkallah	:	
Application No. 12/004,547	:	DECISION GRANTING PETITION
Filed: December 21, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. A01907	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 13, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 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.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 1621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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ALEXANDRIA, VA 22313-1450
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Kathy E. Harrington
Attorney for the Applicant
355 S. Mt. Carmel Road
McDonough, GA 30253

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FEB 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Robert M. Hughes	:	
Application No. 12/004,586	:	DECISION ON PETITION
Filed: December 21, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. HUGHES-1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 21, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a photocopy of applicant's birth certificate and driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

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 2833 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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The Halvorson Law Firm
Ste 130
1757 E. Baseline Rd.
Gilbert AZ 85233

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JAN 13 2009

In re Application of
Limber, et al.
Application No. 12/004,615
Filed: December 24, 2007
Attorney Docket No. 299-050
For: COLLAPSIBLE TREE STAND

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.181

This is a decision on the petition under 37 CFR 1.181, filed December 12, 2008 (certificate of mailing date December 5, 2008), to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned due to applicants' alleged failure to reply within two months of the mailing date of the January 30, 2008 Notice of Omitted Items in a Nonprovisional Application (Notice). The Office contended that this application became abandoned on March 31, 2008. A Notice of Abandonment was mailed on October 7, 2008.

Petitioners assert that a reply was timely filed on certificate of mailing date February 18, 2008. In support of this assertion, petitioners have provided a copy of applicants' response that contains a proper certificate of mailing bearing a February 18, 2008 date of deposit.

Under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The "Response to Office Action Dated 1/30/08" bears a proper certificate of mailing, dated February 18, 2008, in compliance with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above. The attorney of record executed the certificate of mailing.

Accordingly, the petition under 37 CFR 1.181 is **GRANTED**, the holding of abandonment is withdrawn, and the October 7, 2008 Notice of Abandonment is vacated. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application file will be returned to the Office of Patent Application Processing for consideration of the response filed on certificate of mailing date February 18, 2008 and resubmitted with the present petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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ATER WYNNE LLP
1331 NW LOVEJOY ST. SUITE 900
PORTLAND OR 97209-2785

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JUN 2 9 2010

OFFICE OF PETITIONS

In re Application of :
Robinson, et al. :
Application No. 12/004,622 : DECISION
Filed: 20 December, 2007 : ON PETITION
Attorney Docket No.: 103147-0010 :

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 16 September, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed application.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) and §1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) and §1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §120 and §119(e) and 37 C.F.R.§1.78(a)(2)(i) and §1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 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 §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.

The petition fails to comply with item (1) above.

On deposit on 20 December, 2007, the instant application did not include a claim of priority to:

- Non-Provisional Application No. 12/004,392 (filed 19 December, 2007), and
- Non-Provisional Application No.11/982,707 (filed 2 November, 2007), which claimed priority to Provisional Application No. 60/856,404 (filed 2 November. 2006); and
- Non-Provisional Application No.09/686,206 (filed 10 October, 2000).

The petition filed herein on 16 September, 2009, states that it is Petitioner's intent to make those claims, however, the amendment filed by Petitioner is unclear and appears also to seek, *inter alia*

- An improper claim of priority from Provisional Application 60/856,404 to Non-Provisional Application No. 09/686,206; and/or
- Claims of priority without stating the relationships as between non-provisional applications.

Moreover:

- The claim to Application No. No.11/982,707and Application No. 60/856,404 must also appear I Application No. 12/004,392 (*see*: MPEP §201.11(III)(C);
- Application Nos. 09.745,257 and 12/004,622 are not copending (i.e., the 257 application issued on 23 January , 2007, and the '622 application was filed on 20 December, 2007. Copendency is required (*see*: MPEP §201.11(II)(B);
- The reference to Patent No. 6,553,566 is improper—the reference is properly made to the application from which the patent issued (37 C.F.R. §1.78). Further, the applications do not appear to have been copending.

Thus, the petition lacks item (1), above.

The regulations at 37 C.F.R. §1.78 require 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 addresses 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 C.F.R. §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* MPEP Section 201.11, Reference to Prior Nonprovisional Applications.

The amendment fails to comply with the provisions of 37 C.F.R. §1.78(a)(2)(i) and is therefore unacceptable. The priority claim to a chain of applications does not appear in the parent Application 12/004392; one cannot claim priority unless the applications are copending; and one may not claim priority to a patent.

Moreover, the amendment is not acceptable as drafted since its phrasing appears to improperly claim priority from a provisional application to a prior-filed non-provisional application.

Accordingly, before the petition under 37 CFR 1.78 can be granted, a renewed petition under 37 CFR 1.78 and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)):

- deleting any claim for priority from a provisional application to a non-provisional application, and or at least clarifying the chains of claims made; and
- stating the relationship of the prior-filed application to this application; and
- deleting claims to applications that are not copending and to patents (rather than to the applications)

are required. Further, the proper claim(s) to priority must be established in Application No. 12/004,392.

Questions concerning this matter may be directed to John Gillon at (571) 272-3214. 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 AU 2432 for further processing in due course.

Chris Bottorf
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WOODS FULLER SHULTZ & SMITH P.C.
ATTN: JEFFREY A. PROEHL
P.O. BOX 5027
SIOUX FALLS SD 57117

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MAR 03 2008

In re Application of :
Philip G. Clark :
Application No. 12/004,632 : DECISION ON PETITION
Filed: December 24, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 32865 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 24, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a copy of the applicant's drivers license proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MEDTRONIC
ATTN: NOREEN JOHNSON – IP LEGAL DEPARTMENT
2600 SOFAMOR DANEK DRIVE
MEMPHIS, TN 38132

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of :
James E. Van Hoeck, et al. :
Application No. 12/004,647 : DECISION ON PETITION
Filed: December 21, 2007 :
Attorney Docket No. MSDI-895/PC263.57 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 28, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 12, 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 February 13, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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.

This application is being referred to Technology Center AU 3733 for appropriate action by the Examiner in the normal course of business on the reply received May 28, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

cc: BRAD A. SCHEPERS
KRIEG DEVAULT, LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS, IN 46204

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Paper No.

KIMBERLY-CLARK WORLDWIDE, INC.
Catherine E. Wolf
401 NORTH LAKE STREET
NEENAH WI 54956

COPY MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
O'Brien et al. : DECISION ON PETITION
Application No. 12/004,657 :
Filed: December 21, 2007 :
Atty Docket No. 64123812US01 :

This is in response to the Petition Pursuant to 37 C.F.R. 1.17(f) filed November 25, 2008, which is properly considered as a petition under § 1.53(e)(2). This also responds to the Petition Pursuant to 37 C.F.R. 1.53(e) filed February 9, 2009. Petitioner requests that the Office accord the above-identified application a filing date of December 21, 2007, with Fig. 6 considered part of the original application disclosure.

Application papers in the above-identified application were deposited on December 21, 2007. However, on September 22, 2008, the Office mailed applicants a NOTICE TO FILE CORRECTED APPLICATION PAPERS[1]. Applicants were thereby notified that the application papers had been accorded a filing date; however, Fig. 6 described in the specification appeared to have been omitted from the application. (In addition, replacement drawings were required).

In response, applicants filed the instant petition (and petition fee). Applicants attest that Figure 6 was in fact submitted with the application filed on December 21, 2007. As proof, applicants enclose a copy of their postcard, which shows that 6 pages of drawings were submitted with the application.

[1] By Letter mailed September 22, 2008, a prior NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed January 28, 2008 was replaced with the NOTICE mailed September 22, 2008.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of applicant's postcard receipt reveals that: 1) the papers filed therewith were assigned application number 12004657 and date stamped as received in the USPTO on December 21, 2007; 2) it specifically identifies the items being filed, including "6 PAGES OF DRAWINGS" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, applicant has shown that the items denoted, including the 6 pages of drawings filed on December 21, 2007.

The drawing sheets already considered received in the Office on December 21, 2007, were reviewed along with fig. 6 submitted on petition. These papers together constitute the items described on the receipt as "6 PAGES OF DRAWINGS." It is concluded that applicant has shown that fig. 6 described in the specification was among the items present in the application on the date of deposit and should be included in the original application disclosure.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 11-0875.

The application is being forwarded to the Office of Patent Application Processing for

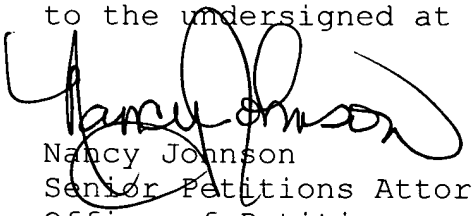
- further processing **with a filing date of December 21, 2007** using the application papers received in the Office and presently accorded that date and the drawing sheet containing Fig. 6 as originally filed re-supplied on petition filed February 9, 2009;

- processing of the response to the NOTICE TO FILE CORRECTED APPLICATION PAPERS in the form of replacement drawing sheet 5 of 6 containing Fig. 5 filed February 9, 2009;

- and indication, as appropriate, in Office records that 6 sheets of drawings were present in the application on filing.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from the Office of Patent Application Processing.

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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SEP 21 2009

OFFICE OF PETITIONS

KAGAN BINDER, PLLC
Suite 200, Maple Island Building
221 Main Street North
Stillwater, MN 55082

In re Application of	:	
Mark C. Anderson	:	
Application No. 12/004,658	:	DECISION ON PETITION
Filed: December 12, 2007	:	TO WITHDRAW
Attorney Docket No. ATK0002/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 20, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 John Parins 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 Mark C. Anderson at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Mark C. Anderson**
5001 Dominick Drive
Minnetonka, MN 55343

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
12/004,658	12/21/2007	Mark C. Anderson	ATK0002/US

CONFIRMATION NO. 2498

POWER OF ATTORNEY NOTICE

33072
KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082

OC00000037885121

Date Mailed: 09/18/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MINNEAPOLIS MN 55440-1022

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MAR 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Diaz, et al.	:	
Application No. 12/004,729	:	DECISION REFUSING STATUS
Filed: December 21, 2007	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 2193-0049001 / M6-145P	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 13, 2009.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or

declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Rule 47 applicant has not met requirement (2) above.

Pursuant to 37 CFR 1.63(c)(1), the oath or declaration must specify the mailing address of each inventor, unless such information is supplied on an application data sheet. Here, the declaration does not specify the mailing address of inventors Shen and Peebles.

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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APR 07 2009

OFFICE OF PETITIONS

In re Application of :
Diaz, et al. :
Application No. 12/004,729 : DECISION ACCORDING STATUS
Filed: December 21, 2007 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 2193-0049001 / M6-145P :

This is in response to the renewed petition under 37 CFR 1.47(a), filed March 23, 2009.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants filed a petition under 37 CFR 1.47(a) on February 13, 2009. However, the petition was dismissed in a decision mailed on March 17, 2009. The petition was dismissed because the 37 CFR 1.63 declaration did not include the mailing address of inventors Shen and Peebles.

On renewed petition, Applicants have submitted an ADS containing the mailing address of each of the inventors.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Group Art Unit 2833 for docketing and examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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MINGYUE SHEN
10378 WATERIDGE CR
UNIT 340
SAN DIEGO CA 92121-5711

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APR 07 2009

OFFICE OF PETITIONS

In re Application of :
Diaz, et al. :
Application No. 12/004,729 :
Filed: December 21, 2007 : LETTER
Title: Hollow Dielectric Pipe Polyrod Antenna :

Dear Mr. Diaz:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCNAIR LAW FIRM, P.A.
P.O. BOX 10827
GREENVILLE SC 29603-0827

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JUN 0 6 2008

OFFICE OF PETITIONS

In re Application of	:	
Meier et al.	:	
Application No. 12/004,736	:	ON PETITION
Filed: December 21, 2007	:	
Attorney Docket No. LM.0482	:	

This is a decision on the petition filed May 6, 2008, requesting that the above-identified application be accorded a filing date of December 21, 2007, rather than the presently accorded date of December 26, 2007. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 21, 2007, pursuant to 37 CFR 1.10. In support, Applicant has submitted a Track & Confirm record for Express Mail label No. EM 153790405 US showing that the package in question was processed on December 21, 2007, at 10:23 p.m. at the Greenville, SC USPS. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." Additionally, the Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated December 21, 2007 on the cover page for the application papers.

In view of the above evidence, it is concluded that the application was deposited as "Express Mail" with the USPS on December 21, 2007.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(c) does not require a petition fee and none has been charged.

This application file is being forwarded to the Office of Patent Application Processing for further **processing with a filing date of December 21, 2007, along with a corrected filing receipt.** Thereafter, the application file will be forwarded to Technology Center 2800 for examination in due course.

Telephone inquiries concerning this matter may be directed the undersigned at (571) 272-3206. All other inquiries should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/004,742	12/19/2007	Yeo-Geon Yoon	AB-2515 US	1048

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
2629	

MAIL DATE	DELIVERY MODE
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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 04/15/2009 NFARMER
12/27/2007 HLE333 00000059 502257 12004742
02 FC:1111 510.00 CR

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Edward G. Greive
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor
First National Tower
Akron OH 44308-1456

MAILED

MAR 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Anand Pal Singh, et al.	:	
Application No. 12/004,782	:	DECISION ON PETITION
Filed: December 20, 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. MCNA.P0002	:	

This is a decision on the petition, filed January 15, 2010 , which is being treated as a petition under 37 CFR , 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on November 6, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of

such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of June 24, 2010 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being 3652 to Technology Center Art Unit 3652 for examination in due course.

Terri Johnson
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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/004,782	12/20/2007	Anand Pal Singh	MCNA.P0002

CONFIRMATION NO. 2352

Edward G. Greive
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor
First National Tower
Akron, OH 44308-1456

NONPUBLICATION RESCISSION LETTER

Date Mailed: 03/18/2010

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 06/24/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

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JAN 30 2009

OFFICE OF PETITIONS

In re Application of :
Connelly, et al. :
Application No. 12/004,805 : ON PETITION
Filed: December 22, 2007 :
Attorney Docket No. :
For: IMMC 346 PCT/US

This is a decision on the petition under 37 CFR 1.137(b), filed January 9, 2009, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioners are advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonrovisional Application, mailed January 28, 2008, which set an extendable two month period for reply. No proper extensions of time being obtained and no timely reply being filed, the application became abandoned on March 29, 2008. A Notice of Abandonment was mailed on October 7, 2008.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed.;

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (1) above.

Petitioners have not submitted an acceptable declaration. It appears that parts of several different declarations were filed on October 27, 2008. There are **four** named first inventors in the various declarations filed on October 27, 2008. Several of the inventors arguably executed their declaration without knowing the entire inventive entity, as only one inventor was listed on the declaration they executed. Reviewing the declarations in the best possible light to petitioners, there are now three joint inventors. The declaration executed by Mr. Connelly at least listed Mr. Doyle and Mr. Rao. It is noted that the pages of the declaration is not numbered – i.e., 1 of 4, 2 of 4, etc.. The "fourth" joint inventor must be added to the inventive entity with a Rule 48 petition. All the inventors should execute a new declaration that lists the other joint inventors.

Regarding fees, 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 $2,350.00 extension of time submitted on October 27, 2008 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.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 – ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

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APR 07 2009

OFFICE OF PETITIONS

In re Application of :
Connelly, et al. :
Application No. 12/004,805 : ON PETITION
Filed: December 22, 2007 :
Attorney Docket No. :
For: IMMC 346 PCT/US

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 5, 2009, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonrovisional Application, mailed January 28, 2008, which set an extendable two month period for reply. No proper extensions of time being obtained and no timely reply being filed, the application became abandoned on March 29, 2008. A Notice of Abandonment was mailed on October 7, 2008.

Applicants have submitted a proper reply to the January 28, 2008 Notice in the form of replacement drawings, an acceptable declaration (per MPEP 201.03(II)(B)), and surcharge, an acceptable statement of the unintentional nature of the delay in responding to the January 28, 2008 Notice, and the petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL G. FLETCHER
FLETCHER YODER
P.O. BOX 692289
HOUSTON TX 77269-2289

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FEB 12 2008

OFFICE OF PETITIONS

In re Application of
Mannheimer, et al.
Application No. 12/004,816
Filed: December 21, 2007
Attorney Docket No. TYHC:0037B/H-NE-00018B

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed December 21, 2007.

The petition is **GRANTED.**

Petitioners have shown that non-signing inventor Bruce R. Bowman has constructively refused to join in the filing of the above-identified application and that non-signing inventor Lee M. Middleman has expressly 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 inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRUCE R. BOWMAN
11592 MOUNT CURVE RD.
EDEN PRAIRIE MN 55347

COPY MAILED

FEB 12 2008

OFFICE OF PETITIONS

In re Application of :
Mannheimer, et al. : LETTER
Application No. 12/004,816 :
Filed: December 21, 2007 :
Attorney Docket No. TYHC:0037B/H-NE-00018B :

Dear Mr. Bowman:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: MICHAEL G. FLETCHER
FLETCHER YODER
P.O. BOX 692289
HOUSTON TX 77269-2289

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEE M. MIDDLEMAN
16 COALMINE VIEW
PORTOLA VALLEY CA 94026

COPY MAILED

FEB 12 2008

OFFICE OF PETITIONS

In re Application of :
Mannheimer, et al. : LETTER
Application No. 12/004,816 :
Filed: December 21, 2007 :
Attorney Docket No. TYHC:0037B/H-NE-00018B :

Dear Mr. Middleman:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: MICHAEL G. FLETCHER
FLETCHER YODER
P.O. BOX 692289
HOUSTON TX 77269-2289

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAR 14 2008

OFFICE OF PETITIONS

Mark Stevens
184 Industrial Drive
Lexington OH 44904

In re Application of :
Mark Anthony Stevens :
Application No. 12/004,867 : ON PETITION
Filed: December 21, 2007 :
Attorney Docket No. :

This is a decision on the petition filed February 11, 2008, to vacate the "Notice to of Omitted Application Papers" (the "Notice") mailed January 28, 2008.

The petition is **dismissed**.

On December 21, 2007, the above-identified application was filed. However, on January 28, 2008, the Office of Patent Application Processing mailed the Notice stating that application had been accorded a filing date of December 21, 2007, and advising applicant that Figures 4 as described in the specification appeared to have been omitted. Relative to the alleged omitted item, the notice set a non-extendable period for reply two-month period for reply.

In response, on February 11, 2008, applicant filed the present petition and an Office date-stamped postcard receipt acknowledging receipt of 4 sheets of the drawings, among other items.

Upon review of the record, the alleged omitted figure was not located among the application papers. However, the evidence is convincing that the application papers deposited December 21, 2007, included Figure 4, which was subsequently misplaced by the Office. Unfortunately, the present petition must be dismissed because applicant failed to submit a copy of Figure 4.

Accordingly, the petition is dismissed without prejudice. Any renewed petition under 37 CFR 1.182 must be filed within TWO MONTHS of the date of this decision and be accompanied by Figure 4 as described in the specification. This period is not extendable. See 37 CFR 1.181(f). Additional fees are not required to be sent with the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 23 2008

OFFICE OF PETITIONS

Mark Stevens
184 Industrial Drive
Lexington OH 44904

In re Application of :
Mark Anthony Stevens :
Application No. 12/004,867 : ON PETITION
Filed: December 21, 2007 :
Attorney Docket No. :

This is a decision on the renewed petition filed March 28, 2008, to vacate the "Notice to of Omitted Application Papers" (the "Notice") mailed January 28, 2008.

The petition is **granted**.

On December 21, 2007, the above-identified application was filed. However, on January 28, 2008, the Office of Patent Application Processing mailed the Notice stating that application had been accorded a filing date of December 21, 2007, and advising applicant that Figure 4 as described in the specification appeared to have been omitted. Relative to the alleged omitted item, the notice set a non-extendable period for reply two-month period for reply.

In response, on February 11, 2008, applicant filed a petition and an Office date-stamped postcard receipt acknowledging receipt of 4 sheets of the drawings, among other items. The petition was dismissed by a decision mailed March 14, 2008, because a copy of Figure 4 was not included. The instant renewed petition was filed on March 28, 2008, and is accompanied by a copy of Figure 4.

Upon review of the record, the alleged omitted figure was not located among the application papers. However, the evidence is convincing that the application papers deposited December 21, 2007, included Figure 4, which was subsequently misplaced by the Office.

Therefore, the application, including Figure 4 was complete on filing and entitled to the presently accorded filing date of December 21, 2007.

Accordingly, the petition is granted. The petition fee of $400.00 will be refunded, in due course

The application file is being returned to the Office of Patent Application Processing for further processing with the presently accorded filing date of December 21, 2007, including Figure 4.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WARD & OLIVO
SUITE 300
382 SPRINGFIELD AVENUE
SUMMIT NJ 07901

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JUN 12 2008

OFFICE OF PETITIONS

In re Application of:	:	
Belliveau et al.	:	DECISION GRANTING
Application No. 12/004886	:	PETITION UNDER
Filing or 371(c) Date: 12/21/2007	:	37 CFR 1.47(a)
Title of Invention:	:	
SYSTEM AND METHOD FOR GENERATING	:	
AND PROVIDING A SIMPLIFIED	:	
VOLUNTARY DISABILITY PRODUCT	:	

This Decision is in response to the "Petition Under 37 CFR 1.47," filed April 7, 2008. The petition is properly treated under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). See, MPEP 409.03.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Alyce Roberts, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent Application Processing for continued processing in due course. Applicant is advised that the Office accepts the language in the oath/declaration as acknowledging Applicant's duty to disclose information material to patentability. See, 1327 OG 112, February 12, 2008.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MS. ALYCE ROBERTS
504 THE MEWS
ROCKY HILL, CT 06067

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JUN 12 2008

OFFICE OF PETITIONS

In re Application of:	:	
Belliveau et al.	:	LETTER
Application No. 12/004886	:	
Filing or 371(c) Date: 12/21/2007	:	
Title of Invention:	:	
SYSTEM AND METHOD FOR GENERATING	:	
AND PROVIDING A SIMPLIFIED	:	
VOLUNTARY DISABILITY PRODUCT	:	

Dear Ms. Roberts:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

CC: WARD & OLIVO
SUITE 300
382 SPRINGFIELD AVENUE
SUMMIT NJ 07901

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT G. LEV
4766 MICHIGAN BLVD.
YOUNGSTOWN, OH 44505

COPY MAILED

MAR 17 2008

In re Application of
NADEL, Daniel et al.
Application No. 12/004,894
Filed: December 21, 2007
Attorney Docket No. **0276-014**

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 21, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Daniel Nadel 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.

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.

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 1450Alexandria, VA 22313-1450
www.uspto.gov

WILLIAM L. BOTJER
PO BOX 478
CENTER MORICHES NY 11934

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OCT 21 2008

OFFICE OF PETITIONS

In re Application of
Ranjit Poddar
Application No. 12/004,903
Filed: December 21, 2007
Attorney Docket No. GPT-004

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This decision is in response to the petition filed June 30, 2008, under 37 CFR 1.47(b).

The petition is **DISMISSED.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application, naming Ranjit Poddar was filed on December 21, 2007 with an executed oath or declaration. Accordingly, on January 28, 2008, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring, *inter alia*, an executed oath or declaration and a surcharge for its late filing. In response, the present petition with a June 27, 2008 certificate of mail date and a three month extension of time request was filed.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks item (1).

Petitioners have not submitted sufficient evidence to prove that a copy of the application was sent or given to the non-signing inventor. only that the documents were

sent by mail and electronically by email. Proof of the mailing hasn't been provided and as to the email, it hasn't been established that Mr. Poddar actually received the complete application documents. In the absence of an express statement from a non-signing inventor that they have received, opened and read a document, unlike a printed page in the language of the recipient there is no basis to presume that an Emailed document was in a form comprehended.

Petitioners must show proof that a copy of the application (specification including claims, drawings, if any, and the Declaration) were sent or given to the non-signing inventor for review.[1] Petitioners should provide a copy of the cover letter transmitting the application papers 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.

Petitioners must also present proof that if after having received the complete application, the non-signing inventor refuses to sign the declaration. If there is a written refusal, a copy of the written refusal should be submitted with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

Status under 37 CFR 1.47(a) cannot be accorded this application until such time as the deficiencies have been cured.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] MPEP 409.03(d).

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P.O. Box 1450Alexandria, VA 22313-1450
www.uspto.gov

WILLIAM L. BOTJER
PO BOX 478
CENTER MORICHES NY 11934

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MAR 1 0 2009

OFFICE OF PETITIONS

In re Application of
Ranjit Poddar
Application No. 12/004,903
Filed: December 21, 2007
Attorney Docket No. GPT-004

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(b)

This decision is in response to the request for reconsideration filed February 20, 2009, under 37 CFR 1.47(b).[1]

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application, naming Ranjit Poddar was filed on December 21, 2007 with an executed oath or declaration. Accordingly, on January 28, 2008, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring, *inter alia*, an executed oath or declaration and a surcharge for its late filing. In response, a petition with a June 27, 2008 certificate of mail date and a three month extension of time request was filed. The petition was dismissed in a decision mailed October 21, 2008 because petitioners had not submitted sufficient evidence to prove that a copy of the application was sent or given to the non-signing inventor only that the documents were sent by mail and electronically by email. The decision noted that proof of the mailing wasn't provided and as to the email, it was not established that Mr. Poddar actually received the complete application documents.

Comes now petitioner with the instant request for reconsideration claiming that in November 2008, the petitioner tried to contact Mr. Poddar at his last known address by both courier and registered letter. The efforts were unsuccessful as it turned out that Mr. Poddar had moved away. Petitioner also argues that telephone calls to Mr. Poddar's wife did not produce a corrected address with which to send additional correspondences to Mr. Poddar. The request for reconsideration also fails to show, as

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[1] 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

indicated, that Mr. Poddar both cannot be reached and that he has refused to sign the Oath or Declaration.

The petition therefore still lacks compliance with item (1) under 37 CFR 1.47(b).

As petitioners are maintaining that the non-signing inventor no longer resides at the last known address, it is incumbent upon the petitioners to exercise more diligence in determining what the correct address is for Mr. Poddar and that a copy of the complete application be forwarded to him at that address.

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. Poddar, 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.

If after a copy of the complete application has been sent to Mr. Poddar and he refuses in writing to sign the declaration, petitioners should provide a copy of that written refusal with any renewed petition. If after a copy of the complete application has been sent to Mr. Poddar and he verbally refuses, details should be given in an affidavit or declaration of facts by a person having first hand knowledge of the facts of refusal.

Finally, if it is found that Mr. Poddar is residing at a different address than that listed in the initial petition, petitioners should provide a new statement of the last known address in a renewed petition as well as a corrected oath or declaration with a proper last known address including the country of citizenship if appropriate.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450Alexandria, VA 22313-1450
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WILLIAM L. BOTJER
PO BOX 478
CENTER MORICHES NY 11934

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DEC 14 2009

OFFICE OF PETITIONS

In re Application of
Ranjit Poddar
Application No. 12/004,903
Filed: December 21, 2007
Attorney Docket No. GPT-004

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(b)

This decision is in response to the request for reconsideration filed September 9, 2009, under 37 CFR 1.47(b).[1]

The petition is **GRANTED.**

The above-identified application, naming Ranjit Poddar was filed on December 21, 2007 with an executed oath or declaration. Accordingly, on January 28, 2008, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring, *inter alia*, an executed oath or declaration and a surcharge for its late filing. In response, a petition with a June 27, 2008 certificate of mail date and a three month extension of time request was filed. The petition was dismissed in a decision mailed October 21, 2008 because petitioners had not submitted sufficient evidence to prove that a copy of the application was sent or given to the non-signing inventor only that the documents were sent by mail and electronically by email. The decision noted that proof of the mailing wasn't provided and as to the email, it was not established that Mr. Poddar actually received the complete application documents.

A request for reconsideration was filed February 20, 2009 and dismissed in a decision mailed March 10, 2009 because the petition failed to show that Mr. Poddar could not be reached and that he refused to sign the Oath or Declaration.

In response to the decision dismissing the petition filed February 20, 2009, the request for reconsideration bears proof that efforts were undertaken to locate non-signing inventor Ranjit Poddar and to have him execute the oath or declaration in this matter

---

[1] 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

but those efforts were unsuccessful. The evidence is therefore sufficient to establish diligence as required by the regulation.

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 matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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RANJIT PODDAR,
D-103, TRIMURTY APARTMENT
MALVIYA NAGAR
JAIPUR 302017 RAJASTHAN
INDIA

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DEC 14 2009

OFFICE OF PETITIONS

In re Application of
Ranjit Poddar
Application No. 12/004,903
Filed: December 21, 2007
For: **METHOD AND SYSTEM FOR OPTIMIZING UTILIZATION OF RESOURCES**

Dear Mr. Poddar:

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 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:
WILLIAM L. BOTJER
PO BOX 478
CENTER MORICHES NY 11934

UNITED STATES PATENT AND TRADEMARK OFFICE

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KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Mail Date: 04/21/2010

Applicant	: Naveen Thumpudi	: DECISION ON REQUEST FOR
Patent Number	: 7644002	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/004,909	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/21/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **97** 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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MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

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OFFICE OF PETITIONS

In re Application of	:	
Dobak, John D. III	:	DECISION ON PETITION
Application No. 12/004,910	:	TO WITHDRAW
Filed: December 21, 2007	:	FROM RECORD
Attorney Docket No. 041007	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed June 3, 2009.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b) currently of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

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 Mark D. Wieczorek on behalf of all attorneys of record associated with Customer Number 27774. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

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 Office action that requires a reply.

Telephone inquires concerning this decision should be directed to Petitions Examiner Joan Olszewski at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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Houston IP Department
JACKSON WALKER L.L.P.
1401 McKinney St.
Suite 1900
Houston TX 77010

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JUL 15 2008

OFFICE OF PETITIONS

In re Application of :
Ray, et al. :
Application No. 12/004,918 : ON PETITION
Deposited: December 21, 2007 :
Attorney Docket No. 021120.0080.000 :

This is in response to the "PETITION TO ACCORD A FILING DATE UNDER 37 C.F.R. 1.57(a)" filed April 4, 2008, requesting that the above-referenced application be accorded a filing date of December 21, 2007. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on December 21, 2007. However, on February 4, 2008, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

Petitioners' arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

---

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicants 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 December 21, 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 December 21, 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 April 4, 2008 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Anthony Knight
Supervisor
Office of Petitions

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CHA & REITER, LLC
210 ROUTE 4 EAST STE 103
PARAMUS, NJ 07652

Mail Date: 04/21/2010

Applicant	: Sun-Tae Jung	: DECISION ON REQUEST FOR
Patent Number	: 7589292	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/004,926	: OF WYETH
Filed	: 12/21/2007	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ROPES & GRAY LLP
PATENT DOCKETING 39/361
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NEW YORK NY 10036-8704

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OFFICE OF PETITIONS

In re Application of
Kotelko, et al.
Application No. 12/004,927
Filed: December 21, 2007
Attorney Docket No. 105332-0006-101

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed August 28, 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.

An oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration does not set forth the citizenship of the non-signing inventor. A new oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the other co-inventors on behalf of themselves and on behalf of non-signing inventor LI is REQUIRED. *See* MPEP 409.03(a). All the co-inventors must sign the new declaration that lists Ms. Li's citizenship because they are attesting that this information is true to the best of their knowledge.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
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Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By Hand:
U. S. Patent and Trademark Office
Customer Window, Mail Stop PETITIONS
401 Dulany Street

Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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NEW YORK NY 10036-8704

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JUN 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Kotelko, et al.	:	DECISION GRANTING STATUS
Application No. 12/004,927	:	UNDER 37 CFR 1.47(a)
Filed: December 21, 2007	:	
Attorney Docket No. 105332-0006-101	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 28, 2008.

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-2305.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Xiaomei Li
1124-111a Street
Edmonton, Alberta
CANADA T6J 6R9

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JUN 19 2009

OFFICE OF PETITIONS

In re Application of
Kotelko, et al.
Application No. 12/004,927
Filed: December 21, 2007
Attorney Docket No. 105332-0006-101

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 19 2009

OFFICE OF PETITIONS

In re Application of
Kotelko, et al.
Application No. 12/004,927
Filed: December 21, 2007
Attorney Docket No. 105332-0006-101

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: ROPES & GRAY LLP
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NEW YORK NY 10036-8704

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OFFICE OF PETITIONS

BARBARA A. SHIMEI
DIRECTOR, PATENTS & LICENSING
BAYER HEALTHCARE LLC - PHARMACEUTICALS
555 WHITE PLAINS ROAD, THIRD FLOOR
TARRYTOWN, NY 10591

In re Application of
Ulrich Niewohner, et al.
Application No. 12/004,933
Filed: December 21, 2007
Attorney Docket No. Le A 32 733 C5

ON PETITION

This is a decision in response to the petition, filed April 24, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed June 9, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 9, 2008. A Notice of Abandonment was mailed on January 8, 2009. In response, on April 24, 2009, the present petition was filed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Gabriel J. McCool appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner; however, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay[1].

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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 April 24, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application is being referred to Technology Center AU 1624 for appropriate action by the Examiner in the normal course of business on the reply received April 24, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: GABRIEL J. MCCOOL
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

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ALLEN ANDERSON
21220 HARROW AVE., N
FOREST LAKE, MN 55025

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MAR 20 2008

In re Application of :
Allen J. ANDERSON :
Application No. 12/004,996 : DECISION ON PETITION
Filed: December 26, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 26, 2007, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **DISMISSED as moot.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required.

This is also a decision on the petition under 37 CFR 1.102(c)(1), filed December 26, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by the applicants. 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 of Initial Patent Examining for processing. This application will be accorded "special" status when pre-examination processing is done.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SHERRILL LAW OFFICES
4756 BANNING AVE
SUITE 212
WHITE BEAR LAKE MN 55110-3205

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JUN 08 2010

OFFICE OF PETITIONS

In re Application of

Allen J. Anderson

Application No. 12/004,996

Filed: December 26, 2007

Attorney Docket No. **AANDR002USPT01**

: DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), March 12, 2010, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of $755.00, and publication fee of $300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed November 3, 2009. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on February 4, 2010. A Notice of Abandonment was mailed on February 23, 2010.

The publication fee was received on November 9, 2009.

Deposit account 19-2020 will be charged $377.50 for the outstanding portion of the issue fee.

Form PTOL-85B, filed November 9, 2009, is noted and made of record.

The application is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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MAR 17 2008

OFFICE OF PETITIONS

NELLCOR PURITAN BENNETT LLC
ATTN: IP LEGAL
60 Middletown Avenue
North Haven CT 06473

In re Application of :
Mannheimer, et al. : DECISION REFUSING STATUS
Application No. 12/005,023 : UNDER 37 CFR 1.47(a)
Filed: December 21, 2007 :
Attorney Docket No. :
TYHC:0037A/H-NE-00018A

This is in response to the petition under 37 CFR 1.47(a), filed December 21, 2007.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition lacks fails to satisfy item (2) set forth above. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. The declaration submitted herewith contains non-initialed and/or non-dated alterations. See, 37 CFR 1.52(c).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
Customer Window, Mail Stop PETITIONS
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

NELLCOR PURITAN BENNETT LLC
ATTN: IP LEGAL
60 Middletown Avenue
North Haven CT 06473

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JUN 16 2008

OFFICE OF PETITIONS

In re Application of :
Mannheimer, et al. : DECISION GRANTING STATUS
Application No. 12/005,023 : UNDER 37 CFR 1.47(a)
Filed: December 21, 2007 :
Attorney Docket No. TYHC:0037A/H-NE0018A :

This is a decision on the renewed petition under 37 CFR .1.47(a) filed April 28, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The statement of last known address provided in the petition fails to set forth the zip code of inventor Middleman. The zip code provided for inventor Middleman in the declaration is presumed to the correct zip code. If this is not the case, petitioners should promptly provided a corrected address for inventor Middleman by way of supplemental application data sheet under 37 CFR 1.76.

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. See MEP 409.03(e).

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.

The correspondence address indicated on the instant petition differs from that contained in the official record. While this decision is being dually mailed as a courtesy, all future correspondence will be directed to the correspondence address of record until such time as appropriate instruction is received to the contrary.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: JILA BAKKER
FLETCHER YODER P.O. Box 692289
Houston, TX 77269-2289

UNITED STATES PATENT AND TRADEMARK OFFICE

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Bruce R. Bowman
11592 Mount Curve Rd.
Eden Prairie, MN 55347

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JUN 16 2008

OFFICE OF PETITIONS

In re Application of :
Mannheimer, et al. :
Application No. 12/005,023 : LETTER
Filed: December 21, 2007 :
Attorney Docket No. TYHC:0037A/H-NE0018A :

Dear Sir:

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 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, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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Lee M. Middleman
16 Coalmine View
Portola Valley, CA 94026

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JUN 16 2008

OFFICE OF PETITIONS

In re Application of :
Mannheimer, et al. :
Application No. 12/005,023 : LETTER
Filed: December 21, 2007 :
Attorney Docket No. TYHC:0037A/H-NE0018A :

Dear Sir:

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 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, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Alesia M. Brown
Petitions Attorney
Office of Petitions

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701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104\

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MAY 26 2009

OFFICE OF PETITIONS

In re Application of :
Donald Skelton :
Application No.: 12/005,037 : ON PETITION
Filing Date: December 21, 2007 :
Attorney Docket No. ENZA-1-1003 :

This is a decision on the petition under 37 CFR 1.47 filed January 22, 2009. The petition will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67.

The petition is **dismissed**.

Petitioner requests that the supplemental declaration filed January 22, 2009, be accepted without the signature of the sole inventor as he is refusing to sign the supplemental declaration. It is noted, that in this case, 37 CFR 1.67 requires that the supplemental declaration be signed by all named inventors, yet petitioner asserts that the sole inventor is refusing to cooperate. In such a case, Section 603 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

> When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a). If there are no joint inventor(s), then the party with sufficient proprietary interest must sign the supplemental declaration on behalf of the nonsigning inventor. See MPEP § 409.03(b).

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.67 so as to accept a supplemental declaration without the signature of all of the joint inventors. It is noted that provisions of 37 CFR 1.47 do not apply in this instance and said provisions are only applicable to the original filing of a declaration under 37 CFR 1.63. However, the requirements for filing a supplemental declaration on behalf of a non-signing inventor are the same as the requirements of 37 CFR 1.47, as set forth in Section 400 of the Manual of Patent Examining Procedure. The supplemental declaration filed January 22, 2009, is not proper because it does not contain a signature block for the non-signing inventor. Further to this point, Section 409.03 of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part, that:

> (A) All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602 § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning inventor as required by 37 CFR 1.64. An oath or declaration signed by all of the available joint inventors with the signature block of the

> nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

The declaration filed on January 22, 2009, is defective because it does not contain a blank signature block for inventor Skelton. Without this signature block, the assignee inventors cannot be said to have executed the declaration on its own behalf and on behalf of inventor Skelton. A proper declaration, preferably one that is formatted according to MPEP § 409.03 cited above, must accompany any renewed petition filed.

Further, the supplemental declaration filed cannot be accepted until the assignee demonstrates that it has the power to prosecute the application. Section 409.03(b) of the *Manual of Patent Examining Procedure* provides, in pertinent part, that, "[w]here the oath or declaration is being signed on behalf of an assignee, see MPEP 324." Section 324 of the Manual of Patent Examining Procedure cites 37 CFR 3.71(c) which states that, "[a]n assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee." Petitioner should note that 37 CFR 3.73 requires that before an assignee can take action in a patent matter, the assignee must establish ownership of the patent property in accordance with 37 CFR 3.73(b)(1)(i) or (ii). It is noted that the supplemental declaration filed January 22, 2009, contained some language to this effect, however; it is requested that petitioner complete the enclosed form which is separate from the supplemental declaration.

The petition must also be dismissed because the petition fee of $400.00 did not accompany the petition. Any renewed petition filed must include an additional $200.00 or the petition will be summarily dismissed without any consideration of the merits.

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 matter should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 4800
SEATTLE WA 98104

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JUL 20 2009

OFFICE OF PETITIONS

In re Application of :
Donald Skelton :
Application No.: 12/005,037 : ON PETITION
Filing Date: December 21, 2007 :
Attorney Docket No. ENZA-1-1003 :

This is a decision on the petition filed June 5, 2009. The petition will be treated as a renewed petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67.

The petition is **dismissed**.

Petitioner requests that the supplemental declaration filed June 5, 2009, be accepted without the signature of the sole inventor as he is refusing to sign the supplemental declaration. It is noted, that in this case, 37 CFR 1.67 requires that the supplemental declaration be signed by all named inventors, yet petitioner asserts that the sole inventor is refusing to cooperate. In such a case, Section 603 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

> When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a). If there are no joint inventor(s), then the party with sufficient proprietary interest must sign the supplemental declaration on behalf of the nonsigning inventor. See MPEP § 409.03(b).

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.67 so as to accept a supplemental declaration without the signature of all of the joint inventors. It is noted that provisions of 37 CFR 1.47 do not apply in this instance and said provisions are only applicable to the original filing of a declaration under 37 CFR 1.63. However, the requirements for filing a supplemental declaration on behalf of a non-signing inventor are the same as the requirements of 37 CFR 1.47, as set forth in Section 400 of the Manual of Patent Examining Procedure. The supplemental declaration filed June 5, 2009, is not proper because it does not contain a signature block for the non-signing inventor with the signature block for the authorized representative of the assignee underneath the non-signing inventor's signature block. Further to this point, Section 409.03 of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part, that:

> (A) All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602 § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning inventor as required by 37 CFR 1.64. An oath

> or declaration signed by all of the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

The declaration filed on June 5, 2009, is defective because it does not contain a blank signature block for inventor Skelton. Without both signature blocks, the assignee cannot be said to have executed the declaration on its own behalf and on behalf of inventor Skelton. A proper declaration, preferably one that is formatted according to MPEP § 409.03 cited above, must accompany any renewed petition filed.

Further, the declaration filed June 5, 2009, did not indicate that it was a supplemental declaration. The renewed declaration should clearly state that it is "supplemental" declaration.

The fee for the instant petition is $400.00. The renewed petition is required to be accompanied by an additional $200.00, or an authorization to charge a deposit account for the same.

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 matter should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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SEATTLE WA 98104

In re Application of :
Donald Skelton :
Application No.: 12/005,037 : ON PETITION
Filing Date: December 21, 2007 :
Attorney Docket No. ENZA-1-1003 :

This is a decision on the petition first filed June 5, 2009, and in supplement July 22, 2009. The petition will be treated as a renewed petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67.

The petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67 is **granted**.

Petitioner requests that the supplemental declaration be accepted without the signature of inventor Skelton as inventor Skelton is refusing to sign the supplemental declaration. It is noted that 37 CFR 1.67 requires the supplemental declaration be signed by all named inventors, yet petitioner has demonstrated that inventor Skelton refuses to sign the supplemental declaration. In such a case, Section 603 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

> When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a). If there are no joint inventor(s), then the party with sufficient proprietary interest must sign the supplemental declaration on behalf of the nonsigning inventor. See MPEP § 409.03(b).

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.67 so as to accept the supplemental declaration filed July 22, 2009, without the signature of inventor Skelton. The petition is granted. The requirement of 37 CFR 1.67 that all named inventors execute the supplemental declaration is waived as to inventor Skelton, and the supplemental declaration, which executed by the assignee, without the signature of inventor Skelton is acknowledged.

Deposit account 50-1050 will be charged an additional $200.00 for the petition fee.

The application file will be directed to Technology Center, GAU 1661 for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.

K.A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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SEATTLE WA 98104

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MAR 24 2009

OFFICE OF PETITIONS

In re Application of
Donald Skelton
Application No. 12/005,052
Filed: December 21, 2007
Attorney Docket No. ENZA-1-1002
Title of Invention: Kiwi Plant Named Skelton A19

DECISION ON PETITION

This is in response to the "Petition Under 37 CFR §1.47" filed January 22, 2009. This petition is properly treated as a waiver under 37 CFR 1.183 of requirement for a fully executed supplemental Declaration.

The petition is **Dismissed**.

Any request for reconsideration should be filed within TWO MONTHS of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may **not** be extended pursuant to 37 CFR 1.136.

The above-identified application was filed on December 21, 2007. A fully executed declaration was submitted on March 28, 2008. The August 22, 2008 non-final Office action required a supplemental declaration to meet the requirements of 37 CFR 1.162.

Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather the remedy for treating an inventor's refusal to sign a supplemental declaration is waiver of 37 CFR 1.67. See MPEP 603.

When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. It is appropriate to apply the principles of 37 CFR 1.47 thereof to the situation at

hand. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate and on behalf of the non-signing inventor. See MPEP 409.03(a).

In order for a petition under 37 CFR 1.183 to be granted to waive the requirement that joint inventor Skelton sign the supplemental declaration, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

Petitioner has shown that the non-signing inventor Skelton has refused to join in the filing of the above-identified application after having been presented with the declaration via e-mail. Petitioner has provided evidence that the documents were received and viewable. The non-signing inventor explicitly refused to execute the supplemental declaration.

The supplemental declaration has been executed by a purported representative of the assignee.

However, review of the application shows that the Office is not in receipt of a statement under 37 CFR 3.73(b). The record demonstrates that the assignment has been recorded in the Office. However, pursuant to 37 CFR 3.73 (b)(2) the submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

> (i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or
> (ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

On renewed petition a statement under 37 CFR 3.73(b) is required.

The Office is in receipt of the $200.00 petition fee. However, the petition fee for a petition considered under 37 CFR 1.183 is $400.00. Accordingly, deposit account no. 50-1050 will be charged the $200.00 difference.

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 delivery service:	U.S. Patent and Trademark Office

(FedEx, UPS, DHL, etc.) Customer Service Window,
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

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JUN 09 2009

OFFICE OF PETITIONS

In re Application of
Donald Skelton
Application No. 12/005,052
Filed: December 21, 2007
Attorney Docket No. ENZA-1-1002
Title of Invention: Kiwi Plant Named Skelton A19

DECISION ON PETITION

This is in response to the renewed petition for waiver under 37 CFR 1.183 of requirement for supplemental Declaration under 37 CFR 1.67 filed May 6, 2009.

The petition is **Granted**.

The above-identified application was filed on December 21, 2007. A fully executed declaration was submitted on March 28, 2008. The August 22, 2008 non-final Office action required a supplemental declaration to meet the requirements of 37 CFR 1.162.

Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather the remedy for treating an inventor's refusal to sign a supplemental declaration is waiver of 37 CFR 1.67. See MPEP 603.

When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. It is appropriate to apply the principles of 37 CFR 1.47 thereof to the situation at hand. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate and on behalf of the non-signing inventor. See MPEP 409.03(a).

In order for a petition under 37 CFR 1.183 to be granted to waive the requirement that joint inventor Skelton sign the supplemental declaration, petitioner must demonstrate

that this is an extraordinary situation where justice requires waiver of the rules.

Petitioner has shown that the non-signing inventor Skelton has refused to join in the filing of the above-identified application after having been presented with the declaration via e-mail. Petitioner has provided evidence that the documents were received and viewable. The non-signing inventor explicitly refused to execute the supplemental declaration.

The supplemental declaration has been executed by the representative of the assignee of record.

This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper.

This application is being forwarded to Art Unit 1661 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JAN 22 2008

OFFICE OF PETITIONS

EDWARD E. ROBERTS
P.O. BOX 3206
DANA POINT, CA 92629

In re Application of :
Gustav M. Nasiell :
Application No. 12/005,110 : DECISION ON PETITION
Filed: December 26, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 07GMN-U01 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 26, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's drivers license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Processing for processing. This application will be accorded "special" status when pre-examination processing is complete.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HENNEMAN & ASSOCIATES, PLC
714 W. MICHIGAN AVE.
THREE RIVERS, MI 49093

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SEP 23 2008

In re Application of :
Charles H. Moore :
Application No. 12/005,156 : DECISION ON PETITION
Filed: December 21, 2007 : TO MAKE SPECIAL UNDER
Attorney Docket No. 0057-027P1 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 11, 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 2193 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT
AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date Mailed: March 15, 2010
Patent No. :7,659,256 B2
Ser. No. :12/005222
Issued : February 9, 2010
Inventor(s) : Yoshichika Kato, et al.
Title :ELECTROSTATIC ACTUATOR WITH INTERDIGITATED ELECTRODE STRUCTURE

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, attorney agent/firm) 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.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(571) 272-0423

David N. Lathrop
Intellectual Property Law Office
39120 Argonaut Way
Fremont, CA 94538

MD/mt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Scott A. Moskowitz
#2505
16711 Collins Avenue
Sunny Isles Beach, FL 33160

Mail Date: 04/21/2010

Applicant	: Scott A. Moskowitz	: DECISION ON REQUEST FOR
Patent Number	: 7660700	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/005,229	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/26/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/005,234	12/26/2007	Markus W. Frick	300010-00004	2594

71375 7590 03/13/2009

SILVERSKY GROUP LLC
5422 LONGLEY LANE , SUITE B
RENO, NV 89511

EXAMINER	
ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
03/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SILVERSKY GROUP LLC
5422 LONGLEY LANE , SUITE B
RENO NV 89511

Applicant: Frick
Appl. No.: 12/005,234
Filing Date: December 26, 2007
Title: COVERT FILTER FOR HIGH INTENSITY LIGHTING SYSTEM
Attorney Docket No.: 300010-00004

This is a decision on the request for amended publication of patent application publication under 37 CFR 1.215(c), filed on February 10, 2009, for the above-identified application.

The request under 37 CFR 1.215(c) is DISMISSED.

37 CFR 1.215(c) requires "a copy of the application in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later." If the copy of the application does not comply with the Office electronic filing system requirements, the Office will publish the application as provided in 37 CFR 1.215(a).

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.215(c) 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 amended publication does not comply with the electronic filing system requirements, thus amended publication will not take place.

Any request for amended publication under 37 CFR 1.215(c), must be submitted via the EFS system, **as a Pre-Grant publication submission.** The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

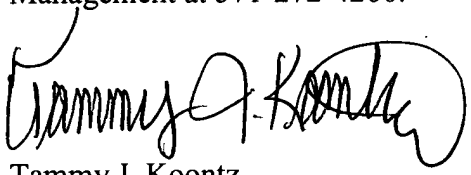
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.



Tammy J. Koontz
Program & Management Analyst
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/005,235	12/26/2007	Markus W. Frick	300010-00001	2499

71375 7590 03/13/2009
SILVERSKY GROUP LLC
5422 LONGLEY LANE , SUITE B
RENO, NV 89511

EXAMINER	
ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
03/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SILVERSKY GROUP LLC
5422 LONGLEY LANE , SUITE B
RENO NV 89511

Applicant: Frick
Appl. No.: 12/005,235
Filing Date: December 26, 2007
Title: HIGH INTENSITY LAMP AND LIGHTING SYSTEM
Attorney Docket No.: 300010-00001

This is a decision on the request for amended publication of patent application publication under 37 CFR 1.215(c), filed on February 10, 2009, for the above-identified application.

The request under 37 CFR 1.215(c) is DISMISSED.

37 CFR 1.215(c) requires "a copy of the application in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later." If the copy of the application does not comply with the Office electronic filing system requirements, the Office will publish the application as provided in 37 CFR 1.215(a).

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.215(c) 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 amended publication does not comply with the electronic filing system requirements, thus amended publication will not take place.

Any request for amended publication under 37 CFR 1.215(c), must be submitted via the EFS system, **as a Pre-Grant publication submission.** The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/005,237	12/26/2007	Markus W. Frick	300010-00002	3025

71375 7590 03/13/2009

SILVERSKY GROUP LLC
5422 LONGLEY LANE , SUITE B
RENO, NV 89511

EXAMINER	
NEGRON, ISMAEL	
ART UNIT	PAPER NUMBER
2885	

MAIL DATE	DELIVERY MODE
03/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SILVERSKY GROUP LLC
5422 LONGLEY LANE , SUITE B
RENO NV 89511

Applicant: Frick
Appl. No.: 12/005,237
Filing Date: December 26, 2007
Title: REFLECTOR FOR LIGHTING SYSTEM AND METHOD FOR MAKING SAME
Attorney Docket No.: 300010-00002

This is a decision on the request for amended publication of patent application publication under 37 CFR 1.215(c), filed on February 10, 2009, for the above-identified application.

The request under 37 CFR 1.215(c) is DISMISSED.

37 CFR 1.215(c) requires "a copy of the application in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later." If the copy of the application does not comply with the Office electronic filing system requirements, the Office will publish the application as provided in 37 CFR 1.215(a).

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.215(c) 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 amended publication does not comply with the electronic filing system requirements, thus amended publication will not take place.

Any request for amended publication under 37 CFR 1.215(c), must be submitted via the EFS system, **as a Pre-Grant publication submission.** The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

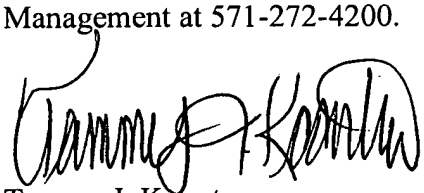
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.



Tammy J. Koontz
Program & Management Analyst
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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.
12/005,238	12/26/2007	Markus W. Frick	300010-00003	3009

71375 7590 03/13/2009

SILVERSKY GROUP LLC
5422 LONGLEY LANE , SUITE B
RENO, NV 89511

EXAMINER	
MAKIYA, DAVID J	

ART UNIT	PAPER NUMBER
2885	

MAIL DATE	DELIVERY MODE
03/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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SILVERSKY GROUP LLC
5422 LONGLEY LANE , SUITE B
RENO NV 89511

Applicant: Frick
Appl. No.: 12/005,238
Filing Date: December 26, 2007
Title: LENS FOR LIGHTING SYSTEM
Attorney Docket No.: 300010-00003

This is a decision on the request for amended publication of patent application publication under 37 CFR 1.215(c), filed on February 10, 2009, for the above-identified application.

The request under 37 CFR 1.215(c) is DISMISSED.

37 CFR 1.215(c) requires "a copy of the application in compliance with the Office electronic filing system requirements within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later." If the copy of the application does not comply with the Office electronic filing system requirements, the Office will publish the application as provided in 37 CFR 1.215(a).

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.215(c) 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 amended publication does not comply with the electronic filing system requirements, thus amended publication will not take place.

Any request for amended publication under 37 CFR 1.215(c), must be submitted via the EFS system, **as a Pre-Grant publication submission.** The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

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APR 13 2009

OFFICE OF PETITIONS

In re Application of :
Chihiro Minami et al :
Application No. 12/005,242 : ON PETITION
Filed: December 26, 2007 :
Attorney Docket No. 488-033

This is a decision on the petition, filed April 9, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 26, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2833 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Amendment.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 309
NEW YORK NY 10038

MAILED

FEB 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Daniel Torres	:	
Application No. 12/005,246	:	DECISION ON PETITION
Filed: December 26, 2007	:	
Attorney Docket No. 17360 B	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 23, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 24, 2009. The Notice of Abandonment was mailed October 23, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3764 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NADEEM V. NASRALLAH
11095 OREGON LANE
CROWN POINT IN 46307

COPY MAILED
DEC 05 2008

In re Application of
Nadeem Victor Nasrallah
Application No. 12/005,260
Filed: December 27, 2007
Title of Invention: **BABY BOTTLE TO GO**

ON PETITION

This is a decision on the petition filed October 21, 2008, to withdraw the holding of abandonment in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513. The petition is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181(b) is **GRANTED.**

This application became abandoned April 2, 2008 for failure to timely reply to the Notice to File Corrected Application Papers mailed February 1, 2008 and which set a two month period for reply. Accordingly, a Notice of Abandonment was mailed October 10, 2008.

The file record discloses that the Notice to File Corrected Application was mailed to the address of record, the address also used for mailing the Notice of Abandonment which was in fact received, however, petitioner contends that it was not received. In support, petitioner indicates that a search of the records used for tracking matters related to the instant application revealed that two Filing Receipts, identical and both with the same mail date had been received and docketed but no such Notice to File Corrected Application was included. Petitioner submits copies of pages from the docketing system, wherein receipt of the Notice to File Corrected Application would have been entered, had it been received, to substantiate the claim. The statement and attachments corroborate non-receipt of the Notice to File Corrected Application.

In view of the facts set forth in the petition, it is concluded that the Notice to File Corrected Application was never received. Accordingly, the holding of abandonment is withdrawn.

No petition fee is due and none has been charged.

This matter will be referred to the Office of Patent Application Processing for a re-mailing of the Notice to File Corrected Application and for a re-starting of the period for reply.

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
www.uspto.gov

Antony C. Edwards
P.O. Box 26020
Westbank BC V4T 2G3 CA CANADA

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JAN 0 8 2009

In re Application of	:	
Gary Anderson	:	
Application No.: 12/005288	:	DECISION ON
Filing or 371(c) Date: 12/27/2007	:	PETITION
Attorney Docket Number: ACE-40003	:	

This is a decision in response to the "Petition to Revive Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), filed December 2, 2008.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers (Notice), mailed January 28, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on March 29, 2008. A Notice of Abandonment was mailed October 7, 2008.

The present petition

Applicant files the present petition and asserts that the Notice was not received. No documentary evidence save the petition and Applicant's statement have been filed in support of Applicant's assertion.

A Grantable Petition Under 37 CFR 1.137(a)

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (**1**) the required reply (unless previously filed), which may met by the filing of a notice of appeal and the requisite fee; a continuing application; an amendment or request for reconsideration which *prima facie* places the application in condition for allowance, or a first or second submission under 37 CFR 1.129(a) if the application has been pending for at least two

years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 USC 120, 121 and 365(c); (**2**) the petition fee as set forth in 37 CFR 1.17(l); (**3**) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (**4**) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). Applicant lacks item (**3**).

As to item (**3**), a showing of non-receipt of an Office communication may form the basis for revival of an application based upon unavoidable delay.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, provides in relevant part:

> The showing required to establish nonreceipt of an Office communication must include
>
> (1) a statement from the practitioner stating that the Office communication was not received by the practitioner at the correspondence address of record. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> (2) a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
>
> (3) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

MPEP 711.03(c)

Analysis and conclusion

Applicant has failed to demonstrate that the office action was not received. In addition to the statement from practitioner attesting to non-receipt of the Notice, Applicant must provide a

statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received, and a copy of the file jacket and docket records where the nonreceived Notice would have been entered had it been received and docketed. As stated above, a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of docket records and file jacket.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAILED

MAY 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Gary Anderson	:	
Application No.: 12/005288	:	DECISION ON
Filing or 371(c) Date: 12/27/2007	:	PETITION
Attorney Docket Number: ACE-40003	:	

This is a decision in response to the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), filed March 24, 2009.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers (Notice), mailed January 28, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on March 29, 2008. A Notice of Abandonment was mailed October 7, 2008.

Applicant files the present petition and fee, and replacement drawings were filed in response to the Notice on December 1, 2008. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply (previously filed); (2) the petition fee; and (3) the required statement of unintentional delay have been filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to the Office of Patent Application Processing for processing of the reply, and for continued processing in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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OCT 30 2009

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In re application of Hiroyuki Bandai et al. Application No. 12/005,335 Filed: December 27, 2007 For: ELECTRIC POWERED VEHICLE PERFORMING REGENERATIVE BRAKING	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 28, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Teri P. Luu/

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 10/29/09

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/005,403	12/27/2007	Yong Ha Hwang	263/315	3673

7590 05/22/2009

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EXAMINER	
KOKKINOS, NICHOLAS C	
ART UNIT	PAPER NUMBER
1794	
MAIL DATE	DELIVERY MODE
05/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 05/27/2009 BPOWELL
12/28/2007 RMEBRAHT 00000023 12005403
02 FC:1111 -510.00 OP
04 FC:1202 -150.00 OP
05 FC:1201 -210.00 OP

Adjustment date: 05/27/2009 BPOWELL
12/28/2007 RMEBRAHT 00000023 12005403
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04 FC:1202 -150.00 OP
05 FC:1201 -210.00 OP

Refund Ref:
05/27/2009 0030070504

Credit Card Refund Total: $870.00

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