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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,826	03/31/2008	Marcel A. Kossel	CH920080038US1	5583

78046 7590 06/05/2008
IBM - EU c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
Suite 1150
Irvine, CA 92612

EXAMINER

ART UNIT	PAPER NUMBER
2817	

MAIL DATE	DELIVERY MODE
06/05/2008	PAPER

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

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19900 MacArthur Blvd., Suite 1150
Irvine, CA 92612

In re Application of:
KOSSEL *et al.*
Serial No.: 12/059,826
Filed: March 31, 2008
Title: **VARACTOR BANK SWITCHING BASED ON ANTI-PARALLEL BRANCH CONFIGURATION**

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

This is a decision on the petition filed on March 31, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I.1-4; II.5, 5.1-5.3, 6, 6.1, 6.3-6.4 and 6.6, above are considered to have been met. However, the petition fails to comply with conditions II. 6.2 and 6.5, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

In order to meet the requirement of II 6.2, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference, specifying where the limitation is disclosed in the cited reference. The examination support document accompanying the petition only discusses what each reference generally teaches. There is no reference to the limitations set forth in the claims in this description, not is there a specific indication of where each limitation is disclosed by the reference. Further, the examination support document only discusses three of the twelve references listed on the IDS. Each reference listed on the IDS must be discussed with respect to the claims. If references are provide which are not the most pertinent to the claims, they should be sited on a separate IDS which clearly indicates that the IDS is not filed in support of the petition. See the FAQ on the USPTO internet site. **(http://www.uspto.gov/web/patents/accelerated/ae_faq_091207.pdf)** For the above reasons, the petition does not meet the requirements of II. 6.2, as set forth above.

Regarding the requirements of II.6.5, the examination support document must include a showing of where **each limitation** of the application claims finds support under 35 USC 112, first paragraph, in the written description of the specification. The examination support document includes a broad statement of the support being found in paragraph 6 of the specification. Paragraph 6 merely restates the language of the claim. As such, the examination support document neither clearly shows support for each limitation, nor does it clearly pointed out in the written description of the specification where that support can be found. For these reasons, the petition does not meet the requirements of II. 6.5, as set forth above.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to Clayton E. LaBalle, Special Program Examiner, at (571) 272-1594.

Clayton E. LaBalle
Special Program Examiner
Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,826	03/31/2008	Marcel A. Kossel	CH920080038US1	5583

78754 7590 09/05/2008
IBM-ACC-Washington
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EXAMINER

ART UNIT	PAPER NUMBER
2817	

MAIL DATE	DELIVERY MODE
09/05/2008	PAPER

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Irvine CA 92612

In re Application of:
KOSSEL et al.
Serial No.: 12/059,826
Filed: March 31, 2008
Title: **VARACTOR BANK SWITCHING BASED ON ANTI-PARALLEL BRANCH CONFIGURATION**

DECISION ON REQUEST FOR RECONSIDERATION OF PREVIOUS DECISION

This is a decision on the request for reconsideration filed on July 07, 2008, of the decision on the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). This request has been treated as a renewed petition to make the above-identified application special.

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I.1-4; II.1-5, 5.1, 5.2, 5.3, 6.1-6.4, and 6.6, above are considered to have been met. However, the petition fails to comply with condition II. 6.5, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding condition II. 6.5, the addition of paragraphs [0020], [0021] and [0023] to Section 9(E) does not specify where each limitation finds support in the written description, and therefore still does not meet the required conditions of II 6.5. The showing of support under 35 USC 112, first paragraph, should provide reference numbers for each claimed element and an indication (e.g., page and line numbers) where in the written description of the specification support for the claimed element can be found.

DECISION

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1594.

Clayton E. LaBalle, T-QAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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ATTN: E.J. ASBURY III
TAYLOR BUSCH, LLP
1600 PARKWOOD CIRCLE
SUITE 200
ATLANTA, GA 30339

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APR 28 2009

OFFICE OF PETITIONS

In re Application of	:	
David L. Scott et al	:	
Application No. 12/059,852	:	ON PETITION
Filed: March 31, 2008	:	
Attorney Docket No. M003 P001U1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 24, 2009 and resubmitted on April 20, 2009, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Corrected Application Papers (Notice) mailed April 21, 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 above-identified application became abandoned on June 22, 2008.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,858	03/31/2008	Laurent A. Dellmann	CH920080035US1 (3024)	5621

78290 7590 06/06/2008
Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1609

EXAMINER
HEALY, BRIAN

ART UNIT	PAPER NUMBER
2883	

MAIL DATE	DELIVERY MODE
06/06/2008	PAPER

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Minneapolis MN 55402-1609

In re Application of: DELLMANN *et al.* Serial No.: 12/059,858 Filed: March 31, 2008 Title: **CHIP CARRIER PACKAGE WITH OPTICAL VIAS**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 31, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I.1-4; II.5, 5.1-5.3, 6, 6.1, 6.3-6.4 and 6.6, above are considered to have been met. However, the petition fails to comply with conditions II. 6.2 and 6.5, above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

In order to meet the requirement of II 6.2, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference, specifying where the limitation is disclosed in the cited reference. The examination support document accompanying the petition only discusses what each reference generally teaches. There is no correlation between the limitations set forth by the language of the claim and what each reference teaches. For the above reasons, the petition does not meet the requirements of II. 6.2, as set forth above.

Regarding the requirements of II.6.5, the examination support document must include a showing of where **each limitation** of the application claims finds support under 35 USC 112, first paragraph, in the written description of the specification. The examination support document includes a broad statement of the support being found in range of paragraphs in the specification, and one figure. As such, the examination support document neither clearly shows support for each limitation, nor does it clearly pointed out in the written description of the specification where that support for each limitation of the claim can be found. For these reasons, the petition does not meet the requirements of II. 6.5, as set forth above.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to Clayton E. LaBalle, Special Program Examiner, at (571) 272-1594.

Clayton E. LaBalle
Special Program Examiner
Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,858	03/31/2008	Laurent A. Dellmann	CH920080035US1 (3024)	5621

78290 7590 08/15/2008
Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1609

EXAMINER
HEALY, BRIAN

ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
08/15/2008	PAPER

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

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

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Minneapolis, MN 55402-1609

In re Application of: DELLMANN *et al.* Serial No.: 12/059,858 Filed: March 31, 2008 Title: **CHIP CARRIER PACKAGE WITH OPTICAL VIAS**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 CFR 1.102

This decision is a reply to the communication filed July 07, 2008. The communication is being treated as a petition requesting reconsideration of the previous decision of June 06, 2008, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed March 31, 2008.

The petition to make the application special is GRANTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1594.

Clayton E. LaBalle, T-QAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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8911 N. CAPITAL OF TEXAS HWY.,
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AUSTIN, TX 78759

In re Application of
Freeman Leigh Rawson III, et. al.
Application No. 12/059,862
Filed: March 31, 2008
Attorney Docket No. AUS920040024US2

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 7, 2010, 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 April 18, 2008. A Notice of Abandonment was mailed December 23, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of four sheets of replacement drawings containing Figures 1-4; (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.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,864	03/31/2008	Dieter M. Sommer	05456.105087(CH920080024U	5629

78148 7590 07/28/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER

ART UNIT	PAPER NUMBER
2141	

MAIL DATE	DELIVERY MODE
07/28/2008	PAPER

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KING & SPALDING
1180 PEACHTREE ST.
ATLANTA GA 30309

In re Application of: Dieter M. Sommer et al. Serial No.: 12/059,864 Filed: March 31, 2008 Docket: 05456.105087(CH920080024US1) Title: HYBRID PROFILE MANAGEMENT FOR ELECTRONIC SOCIAL NETWORKS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it is a utility application filed under 37 CFR 1.111(a) and was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The mailing of the

Notice to File Corrected Application Papers on April 7, 2008 is evidence that the application was not complete and in condition for examination at the time of filing

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719. If attempts to reach the undersigned are unsuccessful, Mano Padmanabhan., Quality Assurance Specialist can be reached at (571)272-4210.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist

Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,874	03/31/2008	Nils Haustein	DE920070191US1	5646

42640 7590 05/01/2008
DILLON & YUDELL LLP
8911 NORTH CAPITAL OF TEXAS HWY
SUITE 2110
AUSTIN, TX 78759

EXAMINER
ALAM, HOSAIN T

ART UNIT	PAPER NUMBER
2166	

MAIL DATE	DELIVERY MODE
05/01/2008	PAPER

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

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Jonathan E. Jobe
DILLION & YUDELL LLP
8911 North Capital of Texas HWY
Suite 2110
Austin TX 78759

In re Application of: Nil S. HAUSTEIN et al. Serial No.: 12/059,874 Filed: March 31, 2008 Attorney Docket: DE920070191US1 Title: METHOD OF AND SYSTEM FOR ADAPTIVE SELECTION OF A DEDUPLICATION CHUNKING TECHNIQUE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I.1 - I.4, II.1 - II.4, II.5.1, II.5.3, II.6.1 - II.6.4 and II.6.6 above are considered to have been met. However, the petition fails to comply with condition II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

With respect to item II.5.2 above, based upon the claimed subject matter of the instant application, a search in the following class and subclasses is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: Class 707, subclass 201 – Coherency (e.g., same view to multiple users). This additional search area was confirmed with a Supervisory Patent Examiner in the pertinent art area (Class 707).

With respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above, the Accelerated Examination Support Document only identifies pre-numbered paragraph [0004] of the instant specification as providing support for the sole claim 1. However, the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above clearly states that the petitioner is required to **specifically identify where the corresponding written description in the cited portions of the instant specification** can find support under 35 U.S.C. § 112, first paragraph **for each limitation of the claim 1**. A review of the pre-numbered paragraph [0004] indicates that it is the Summary of the Invention. It is pointed out that the Summary of the Invention, as conventionally known, is a description of the invention presenting in a condensed form; thus, does not satisfy the requirement of providing the corresponding written description in the specification of each claimed limitation in the claim. It is pointed out that the written description requirement has several policy objectives. The essential goal of the description of the invention requirement is to clearly convey the information that an applicant has invented the subject matter which is claimed. Another objective is to put the examiner in possession of what the applicant claims as the invention – the written description requirement implements the principle that a patent application must describe the technology that is sought to be patented; the requirement serves both to satisfy the inventor's obligation to disclose the technologic knowledge upon which the application is based and to demonstrate that the applicants were in possession of the invention that is claimed. Further, the written description requirement promotes the progress of expedite examination by ensuring that applicants adequately describe their inventions in sufficient detail in their applications in exchange for the right to take-up out of order of examination. Thus, a **general statement** by pointing to the pre-numbered paragraph [0004] of the specification having a description of the invention in condensed form cannot be accepted to satisfy such a requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above. A clarification and identification of support is required.

DECISION

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

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

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

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,874	03/31/2008	Nils Haustein	DE920070191US1	5646

42640 7590 09/15/2008
DILLON & YUDELL LLP
8911 NORTH CAPITAL OF TEXAS HWY
SUITE 2110
AUSTIN, TX 78759

EXAMINER
ALAM, HOSAIN T

ART UNIT	PAPER NUMBER
2166	

MAIL DATE	DELIVERY MODE
09/15/2008	PAPER

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examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

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Jonathan E. Jobe
DILLION & YUDELL LLP
8911 North Capital of Texas HWY
Suite 2110
Austin, TX 78759

In re Application of: Nil S. HAUSTEIN, et al Serial No.: 12/059,874 Filed: March 31, 2008 Attorney Docket: DE920070191US1 Title: METHOD OF AND SYSTEM FOR ADAPTIVE SELECTION OF A DEDUPLICATION CHUNKING TECHNIQUE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on 29 May 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,885	03/31/2008	Akio Matsushita	074782-0035	5662

53080 7590 03/03/2009
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER
MANCUSO, HUEDUNG XUAN CAO

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
03/03/2009	PAPER

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

In re Application of
AKIO MATSUSHITA, et al.
Application No.: 12/059,885
Filed: 03/31/2008
Attorney Docket No.: 074782-0035

For: POLARIZATION SWITCHING/VARIABLE DIRECTIVITY ANTENNA

: 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 December 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

This request to participate in the PPH program and petition the requirements (1) through (7), above.

CONCLUSION

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

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

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

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

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

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

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IBM - EU c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
Suite 1150
Irvine CA 92612

JUN 11 2008

In re Application of:	:	
John Bank et al.	:	DECISION ON PETITION TO
Serial No.: 12/059,886	:	MAKE SPECIAL FOR NEW
Filed: March 31, 2008	:	APPLICATION UNDER 37
Attorney Docket No.: CH920080039US1	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
Title: VARACTOR BANK SWITCHING BASED	:	
ON NEGATIVE CONTROL GENERATION	:	

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions of I. 1-4 and II. 1-4 above are considered to have been met. However, the petition fails to comply with all the conditions set forth in II. 5 (specifically 5.2 and 5.3) and II. 6 (specifically II 6.1, 6.2, 6.3 and 6.5) above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the conditions of II. 5.2 and 5.3, the given logic search does not give the claim its broadest reasonable interpretation, it does not encompass all the features of the present claim and it does not encompass disclosed features that may be claimed later. The following search logic is recommended: (oscillator or vco or resonator or tank or frequency) and ((varactor or capacit$4) adj (array or bank)) and (bias$3 or control) and ((pass or transfer) adj2 gate) and ((transistor or switch) adj5 (threshold or 'on' or 'off')) and (rectifier or diodes).

Regarding the conditions of II. 6.1, 6.2 and 6.3, for each reference cited in the information disclosure statement (IDS) of the accelerated examination support document (AESD), the AESD must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The AESD must also include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).

In the present IDS, applicant apparently only deems that 3 U.S. patents, of the 9 U.S. Patents, 2 U.S. Patent Application Publications and 1 Non-Patent Literature Document cited on the IDS, are references most closely related to the subject matter of the claims. The other references cited on the IDS are apparently not deemed as references most closely related to subject matter of the claims. These other references should not have been cited on the same IDS as the 3 U.S. Patents deemed as references most closely related to the subject matter of the claims.

If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR 1.97 and 1.98. See the Frequently Asked Question on the Accelerated Examination website http:www.uspto.gov/web/patents/accelerated/. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and similarly, applicant should clearly identify the separate IDS that is not in support of the petition. If references are cited of the IDS of the AESD, they must satisfy all the requirements set forth above in conditions II. 6.1, 6.2 and 6.3. In the present case, only 3 of the references cited on the IDS satisfy those requirements.

Regarding condition II. 6.5, a showing of where ***each*** claim limitation finds support under ***35 USC 112, first paragraph***, in the written description of the specification is required. The statement that support for the entire claim "is found at least in paragraph [0006] of the specification, which corresponds to the claim, and at least in figure 3" is not specific enough. It must be indicated exactly where in the written description of the specification the support under 35 USC 112, first paragraph for ***each*** individual claim limitation can be found in the

specification. A duplication of the entire claim or a general description of the invention in the specification is not sufficient to provide ***35 USC 112, first paragraph*** support. This showing basically requires a copying of the claim, listing reference numbers for each claimed element and an indication where in the written description of the specification the claimed limitation is discussed in relation to the drawings.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,886	03/31/2008	Marcel A. Kossel	CH920080039US1	5664

78754 7590 08/28/2008
IBM-ACC-Washington
c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
11th Floor
Irvine, CA 92612

EXAMINER
KINKEAD, ARNOLD M

ART UNIT	PAPER NUMBER
2817	

MAIL DATE	DELIVERY MODE
08/28/2008	PAPER

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

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

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Alexandria, VA 22313-1450
www.uspto.gov

IBM-ACC-Washington
c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
11th Floor
Irvine CA 92612

In re Application of:	:	
John Bank et al.	:	DECISION ON RENEWED
Serial No.: 12/059,886	:	PETITION TO MAKE SPECIAL
Filed: March 31, 2008	:	UNDER 37 C.F.R. § 1.102
Attorney Docket No.: CH920080039US1	:	& M.P.E.P. § 708.2
Title: VARACTOR BANK SWITCHING BASED	:	
ON NEGATIVE CONTROL GENERATION	:	

This is a decision on the renewed petition filed on July 11, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d).

The renewed petition to make the application special is GRANTED.

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

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

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

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

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any

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

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

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

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

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

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

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

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

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

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

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Quality Assurance Specialist
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Semiconductors, Electrical and Optical
Systems and Components

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,887	03/31/2008	Nils HAUSTEIN	DE920080029US1	5665

48150 7590 09/30/2008
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
SHEIKH, AYAZ R

ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
09/30/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Christopher Monday
MCGinn Intellectual Property Law Group, PLLC
8321 Old Court House Road
Suite 200
Vienna VA 22182-3817

In re Application of:
Nils Haustein et al.
Serial No.: 12/059887
Filed: March 31, 2008
Docket: DE92008D029US1
For: **A Removable Medium and a System and Method for Writing Data to Same**

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

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

An accelerated examination support document must include:

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I 1-4, II 1-4 and II 5.1, 5.3, II 6.1, 6.4 and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2, II 6.2-6.3 and II 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5.2 above, the preexamination search does not encompass all of the features of the claims, and does not appear to have given the claims the broadest reasonable interpretation.

Specifically, the text search strategy should be modified to include (verif$7 authenticat$3 authori$6 valid$5) with (USB remov$4) near (memory storage) with writ$3 where or is the default operator. Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary.

Finally, based upon the claimed subject matter of the instant application, a search in the following class and subclasses is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: Class 710 (Electrical Computers and Digital processing Systems: Input/Output) Subclasses 13, 19 (Detachable memory input/output processing & Status processing), Class 711 (Electrical Computers and Digital processing Systems: Memory) subclass 115 (detachable memory accessing and control), and Class 713 (Electrical Computers and Digital Processing: Support, subclasses 155 (Central Authority provides computer authentication), 187 (Program Modification Detection by Cryptography), and 189, 190, 193 and 194 (Data Processing Protection Using Cryptography) for subject matter related to memory integrity techniques involving cryptography. This additional search area was confirmed with an examiner in the pertinent art area.

With regard to the requirement of MPEP § 708.02(a)(I)(2-3) and items II 6.2-6.3 above, Petitioners identification of limitations of the claims is improper as not all claim limitations have been discussed and the language used to discuss patentability isn't detailed enough. Petitioner must provide a detailed discussion of each of the identified references, identifying subject matter by way of figure, page, column and line numbers, as appropriate, as they pertain to ALL of the claim

[1] MPEP 8th ed. rev 5 August 2006

limitations of the instant application. The discussion of the references fails to follow the wording/format of the claims making the comparison to the action claims difficult. The support document should pay particular attention to the discussion of Chu reference with respect to what the security program checks with respect to the security id number and the Sam reference where no citations as to where items are shown. The statement for patentability needs to be clarified to include what are the closest features taught by the cited references and how they are different.

Regarding to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II 6.5 above, the Accelerated Examination Support Document only identifies page 2 of the specification on and all of the drawing figures of the instant specification as providing support for the sole claim 1. However, the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above clearly states that the petitioner is required to specifically identify what corresponding elements in the figures and specifically identify where the corresponding written description in the cited portions of the instant specification can find support under 35 U.S.C. § 112, first paragraph **for each limitation of the claim 1**. A general statement saying all of the claim features are met by almost all of the application is not specific. A clarification and identification of support is required.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of contact is QAS Kim Huynh whose number is (571)-272-4147.

Tod R. Swann
Quality Assurance Specialist
Technology Center 2100

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WASHINGTON, DC 20231
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Christopher Monday
MCGinn Intellectual Property Law Group, PLLC
8321 Old Court House Road
Suite 200
Vienna VA 22182-3817

MAILED

DEC 17 2008

TECHNOLOGY CENTER 2100

In re Application of:
Nils Haustein et al.
Serial No.: 12/059887
Filed: March 31, 2008
Docket: DE92008D029US1
For: **A Removable Medium and a System and Method for Writing Data to Same**

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

This is a decision on the renewed petition filed on October 30, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on March 31, 2008 was dismissed in the decision mailed on September 30, 2008.

The renew petition to make the application special is **GRANTED** as the new Support Document meets the requirements of conditions II 6.2- 6.3 and 6.5 and the new Search Document meets the requirements of conditions II 5.2 that were deficient in the original petition.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323) as the original identified deficiencies for failing to comply with the requirements for the pre-examination search encompassing all of the features of the claims, and giving the claims the broadest reasonable interpretation, the statement of patentability must provide a detailed explanation of how each of the claims are patentable and the concise statement of the utility must be of the invention as defined in each of the independent claims (reference must be made to independent claims 1, 14 and 20) have been corrected.

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

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

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

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

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

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

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that

encompasses the amended or new claims at the time of filing of the amendment.

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of contact is WQAS Kim Huynh at (571) 272-4147.

Tod R Swann
Quality Assurance Specialist
Technology Center 2400

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,887	03/31/2008	Nils HAUSTEIN	DE920080029US1	5665

48150 7590 12/17/2008
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
12/17/2008	PAPER

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

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

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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FITCH EVEN TABIN AND FLANNERY
120 SOUTH LASALLE STREET, SUITE 1600
CHICAGO, IL 60603-3406

COPY MAILED

APR 2 8 2009

OFFICE OF PETITIONS

In re Application of	:	
David William KING, et al	:	
Application No. 12/059,899	:	DECISION ON PETITION
Filed: March 31, 2008	:	TO WITHDRAW
Attorney Docket No. 92121/169	:	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 30, 2009.

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

A review of the file record indicates that the power of attorney to Fitch, Even, Tabin and Flannery, has been revoked by the assignee of the patent application on February 11, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SCOTT J. MENGHINI
9330 SCANTON ROAD
SUITE 350
SAN DIEGO, CA 92121

UNITED STATES PATENT AND TRADEMARK OFFICE

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FITCH EVEN TABIN AND FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

COPY MAILED

MAR 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
HUNTER, Stephen J. et al.	:	
Application No. 12/059,909	:	DECISION ON PETITION
Filed: March 31, 2008	:	TO WITHDRAW
Attorney Docket No. **027715-000410US**	:	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 30, 2009.

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

A review of the file record indicates that the power of attorney to FITCH EVEN TABIN AND FLANNERY has been revoked by the assignee of the patent application on February 11, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100329

DATE : March 29, 2010

TO SPE OF : ART UNIT 1657

SUBJECT : Request for Certificate of Correction on Patent No.: 7645595

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:

/JON P WEBER/
Supervisory Patent Examiner.Art Unit 1657

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SAWYER LAW GROUP LLP
2465 E. BAYSHORE ROAD, SUITE NO. 406
PALO ALTO CA 94303

MAILED

FEB 13 2009

OFFICE OF PETITIONS

In re Application of

GUSTAFSON, Richard
Application No. 12/059,944
Filed: March 31, 2008
Attorney Docket No. **08-02-13041/4215P**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 23, 2009.

The request is **NOT APPROVED**.

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

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

The request cannot be approved because there is no indication that act (1) noted in the above-identified certifications have been performed.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ATTN: INTELLECTUAL PROPERTY GROUP**
500 JACKSON STREET
COLUMBUS IN 47201

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.
12/059,957	03/31/2008	Daniel Citron	IL920080052US1	5781

78046 7590 06/13/2008
IBM - EU c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
Suite 1150
Irvine, CA 92612

EXAMINER
CHAN, EDDIE P

ART UNIT	PAPER NUMBER
2183	

MAIL DATE	DELIVERY MODE
06/13/2008	PAPER

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

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

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IBM - EU c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
Suite 1150
Irvine CA 92612

In re Application of: Daniel Citron Serial No.: 12/059957 Filed: March 31, 2008 Docket: IL920080052US1 Title: METHOD AND SYSTEM FOR RELATIVE MULTIPLE-TARGET BRANCH INSTRUCTION EXECUTION IN A PROCESSOR	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I.1 – I.4, II.1 – II.4, II.5, II.5.3, II.6.4, and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.1, II.5.2, II.6.1, II.6.2, II.6.3, and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

With respect to item **II.5.1 and II.5.2** above, petitioner is required to provide keywords and phrases encompassing limitations of each claim including those deemed by the applicant as patentable features distinguishing the claimed invention from the cited prior art used in any database search. The preexam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the (instant) claims.

The guidelines for Applicants under the New Accelerated Exam Proc states as follows in Part I item 8 section 2.: A text search of the US patents and published patent applications that covers the subject matter of the independent claims using terms recognized in the art given their broadest reasonable interpretation. The search should consider **individual features by themselves and combinations of features**. The search should cover the **broadest scope encompassed by the claims as well as claims of narrow and intermediate breadth**.

Specifically and with respect to items 5.1 - 5.2 above, on the class/subclass search, given the total number of patents in all the class/subclasses listed as searched, **Petitioner should clarify if a limited classified search was conducted, and if so, how it was limited. Otherwise, a mere listing of class/subclass will be taken as a representation that all of the documents were reviewed in their entirety. Further, with respect to the text search, Petitioner should identify whether the text search logic identified in the instant petition was utilized in combination with the field of search (i.e. class/subclass listed in the preexam search document) or separate therefrom (i.e. state whether or not the identified subclasses were searched in their entirety).**

Further with respect to item 5.2 above, applicants have not included synonyms or variations of terms used in the search and other terms that appear in the claim language. Additionally, the "Detailed Explanation of Patentability" section recites that all of the references identified in the Petition fail to at least teach or suggest "obtaining a specified instruction offset in the current instruction; and using the offset as the basis for multiple instruction targets based on said outcomes, wherein the number of conditional branches is reduced," as required by claim 1. However, the only search logic listed does not include the features "instruction offset", and "using the offset as the basis for multiple instruction targets" as claimed. **Petitioner should review all claim limitations, especially those believed to be patentable distinctions from the cited references to ensure that the search covered these concepts, and update the search and/or provide any clarifications. Any reference which teaches any portion of the limitation must be so identified even if the reference does not teach the entirety of the limitation.** Examples of a properly documented search are available at http://www.uspto.gov/web/patents/accelerated/ae_presearch_sample.doc.

In addition, petitioner should **review the Identification of Limitations disclosed by References and the Detailed Explanation of Patentability** sections **in view of updated search, and changes and clarifications, and provide clarifications, as necessary, to ensure compliance with the requirement of items 6.2 and 6.3 above.**

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(1) and item **6.1** above, the IDS submitted with the application lists a number of references that have not been listed or discussed in the AESD. The AESD does not provide an identification of how the claim limitations are taught by the each of these references. Nor is there an explanation of how the instant application distinguishes over these references. Hence the IDS is deemed insufficient. If applicant wishes to cite references, that are not required in an AESD, for the examiner to consider, applicant may submit such references in a separate information disclosure statement (IDS) in compliance with 37 CFR 1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special, and applicant should clearly identify the separate IDS containing references not discussed in the accelerated examination support document, and that is not in support of the petition to make special. Consistent with 37 CFR 10.18, any reference submitted in a separate IDS that is not part of an AESD is a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD. If applicant deems references found after the initial filing to be closer to the subject matter of at least one claim than the references provided in the AESD, then applicant needs to supplement the AESD to account for these references.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item **6.2 above**, applicant only makes a nominal discussion of the Wilson, Branigin, and Prener references cited by applicant in the AESD. Applicant should provide a claim-by-claim mapping of the pertinent subject matter disclosed in each of the references, specifically identifying each claim limitation and corresponding disclosure within the reference, citing to specific relevant portions of each reference. Examples can be found on USPTO website, using the link http://www.uspto.gov/web/patents/accelerated/ and clicking on "Sample Accelerated Examination Support Document". **Any reference which teaches any portion of the limitation must be so identified even if the reference does not teach the entirety of the limitation. Petitioner should review all claim limitations, especially those believed to be patentable distinctions from the cited references to ensure that the search covered these concepts, and update the search and/or provide any clarifications.** Examples of a properly documented search are available at http://www.uspto.gov/web/patents/accelerated/ae_presearch_sample.doc

In addition, petitioner should **review the Identification of Limitations disclosed by References and the Detailed Explanation of Patentability** sections **in view of updated search, and changes and clarifications, and provide clarifications, as necessary, to ensure compliance with the requirement of items 6.2 and 6.3 above.**

Regarding the requirement of MPEP § 708.02(a)(I.)(I) and item II 6.3; the Accelerated Examination Support Document (AESD) does not provide a detailed explanation of how each of the claims are patentable with the particularity required by 37 CFR 1.111(b) and (c). In section 9(C) of the AESD, petitioner asserts that "all of the references" whether considered singularly or in

reasonable combination, fail to teach or suggest the identified limitations; thus concluded that the claims are patentably distinguished over the references alone or in combination.

By identifying all limitations as those limitations that the reference(s) do not show or suggest, the petition fails to discuss the claimed limitations with respect to the references in accordance with the requirements of 37 CFR 1.111 (b) and (c). That is, the petition does not specifically properly compare/contrast the claimed invention with respect to the relevant teachings in the prior art in the identified references. A general allegation that "all of the references fail to at least teach ... and therefore patentably distinguish over each of the references alone or in combination" does not comply with the requirements. Petitioner fails clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. For these reasons, the petition does not meet the requirement of MPEP § 708.02(a)(I.)(I)(3).

Petitioner is requested to clearly point out claim limitations not taught by any of the references and how the limitations are patentably distinguished over the references cited alone or in combination.

Finally, with respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item **6.5** above, the Accelerated Examination Support Document is **required to show where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification**. The AESD only identifies paragraph [0004] and Figures 2-4 to teach all the claim limitations of the only claim, without identifying any claim limitation and corresponding support in the cited portions of the specification/drawings. A review of the paragraph 4 indicates that the description on this paragraph is identical to the claimed language of claim 1; a general statement that all limitations of claim(s) can be found in all of the cited figures and pointing to the specification having a verbatim of the claim language cannot be accepted to satisfy such a requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above. **Applicant must identify portions of text in the specification by page and line number, and specific elements of figure instead of referring to the whole figures, for each of the claim limitations, as providing support under 35 U.S.C. 112, First paragraph**. A clarification and identification of support for each limitation of each claim is required.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Mano Padmanabhan, at (571) 272-4210.

Mano Padmanabhan
WQAS Technology Center 2100

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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.
12/059,957	03/31/2008	Daniel Citron	IL920080052US1	5781

78754 7590 10/22/2008
IBM-ACC-Washington
c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
11th Floor
Irvine, CA 92612

EXAMINER
CHAN, EDDIE P

ART UNIT	PAPER NUMBER
2183	

MAIL DATE	DELIVERY MODE
10/22/2008	PAPER

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

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

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IBM - EU c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
Suite 1150
Irvine CA 92612

In re Application of: Daniel Citron Serial No.: 12/059957 Filed: March 31, 2008 Docket: IL920080052US1 Title: METHOD AND SYSTEM FOR RELATIVE MULTIPLE-TARGET BRANCH INSTRUCTION EXECUTION IN A PROCESSOR	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on July 14, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on March 31, 2008. That petition was dismissed in a decision mailed on June 13, 2008 wherein a non-extendible period of 1 (one) month or 30 (thirty) days, whichever was longer, was set to request reconsideration.

The reasons for the dismissal were inadequate search and an inadequate Support Document. Specifically, the petition failed to comply with conditions II.5, specifically II.5.1 and II.5.2, II.6.1, II.6.2, II 6.3, and II.6.5.

Regarding item 6.3 above, applicant it was noted in the Decision mailed June 13, 2008, that the Accelerated Examination Support Document (AESD) filed on March 31, 2008, did not provide a detailed explanation of how each of the claims are patentable with the particularity required by 37 CFR 1.111(b) and (c). Applicant has not provided any explanation in the renewed petition other that stating in the explanation of patentability section of the renewed petition, that all the references identified fail to teach:

> "relative multiple- target branch instruction execution in a processor, comprising: determining a next instruction to execute based on multiple condition bits **or** outcomes of a comparison by the current instruction; obtaining a specified instruction offset in the current instruction; and using the offset as the basis for multiple instruction targets based on said outcomes, wherein the number of conditional

branches is reduced," as required by claim 1. Thus the claim is seen to patentably distinguish over each of the references alone or in combination.

A review of the Identification of Limitations Disclosed by References section, discloses that all limitations of the only claim in the application is taught by one or other of the references listed. The only limitation that has not been listed as taught by any reference is the limitation:

"determining a next instruction to execute based on outcomes of a comparison by the current instruction";

However, this limitation is only recited in the alternative as shown below:

"determining a next instruction to execute based on multiple condition bits **or** outcomes of a comparison by the current instruction".

Therefore this limitation is not required to be met by any of the identified references, since the alternative limitation "determining a next instruction to execute based on outcomes of a comparison by the current instruction" is taught by some of the identified references.

Petitioners were requested to clearly point out claim limitations not taught by any of the references and how the limitations are patentably distinguished over the references cited alone or in combination. Petitioners have not put forth any explanation as to why a combination of the references identified by petitioner in the renewed petition would not make the claim obvious over the combination of references.

Finally, with respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item **6.5** above, it was noted that the Accelerated Examination Support Document is **required to show where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification**. The AESD only identified paragraph [0004] and Figures 2-4 to teach all the claim limitations of the only claim, without identifying any claim limitation and corresponding support in the cited portions of the specification/drawings in the original petition. The renewed petition has listed additional paragraphs to show support, without **identify portions of text in the specification by page and line number, and specific elements of figure instead of referring to the whole figures, <u>for each of the claim limitations</u>, as providing support under 35 U.S.C. 112, First paragraph**. A clarification and identification of support for each limitation of each claim was required.

DECISION

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

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Applicant is reminded that any single failure to meet each of the requirements of the petition is sufficient for denial, but all deficiencies are being noted as a courtesy should petitioner wish to submit another petition in any continuing application.

Any inquiry regarding this decision should be directed to Mano Padmanabhan, at (571) 272-4210.

/Mano Padmanabhan/

Mano Padmanabhan
WQAS Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,963	03/31/2008	Barbara Susanne ROTH	DE920080031US1	5793

48150 7590 06/23/2008
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
DAM, TUAN QUANG

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
06/23/2008	PAPER

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

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06/23/2008

Christopher R. Monday
McGinn IP Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817

In re Application of
Inventor Name: Roth et al.
Serial No.: 12/059,963
Filed: March 31, 2008
Docket: DE920080031US1
Title: METHOD AND SYSTEM FOR IMPLEMENTING A COMPLETE SAP SYSTEM LANDSCAPE ON IBM SYSTEM I

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

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I. 1-I.4, II.1-II.4, II.5.1, II.6.1, II.6.4 and II.6-6 above are met. However, the petition fails to comply with conditions II.5.2-II.5-3, II.6.2-II.6.3 and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5.2-II.5.3 above, the pre-examination search must be directed to the (instant) claimed invention and encompass all of the features of the claims as well as encompass the disclosed features that may be claimed. Text searches of section (A) of the Pre-examination Search Document should cover individual features of the claims themselves as well as a combination of features. The text search for US and foreign documents as well as for non-patent literature should include appropriate terms, Boolean operators, truncations, and proximities if applicable.

The US field of search listed in section 8(A) of the Statement of Pre-examination Search fails to include class 717 subclass 121 the area to which the application is assigned. In addition, it is unclear how classes 477 and 726 are related to the subject matter claimed. Clarification and/or correction are required.

Examples of various search strategies can be found on USPTO website, using the link http://www.uspto.gov/web/patents/accelerated/ and clicking on "Sample Accelerated Examination Support Document".

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item II.6.2 above, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Section 9(B) of the Examination Support Document discusses each of the two references identified as most closely related. However, that section fails to clearly identify limitations in the claim that are disclosed in either of the references and to identify where these limitations can be found in the references. Correction is required.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item II.6.3 above the accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c). Section 9(C) identifies the final five steps of the claimed method as not being disclosed by references deemed most closely related. However, as the remaining steps of the claimed method are not indicated as being disclosed by the reference, it is unclear if they should also be included as not being disclosed by the references. Correction is required.

Finally, with respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above, the Accelerated Examination Support Document must provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the

[1] MPEP 8th ed. rev 5 August 2006

specification. Section 9(E) of the Examination Support Document directs the reader to a section beginning on page 3 line 15 and alleges that disclosure found therein corresponds to the claims. However, this general allegation does not identify where support may be found **for each limitation in the claim**. Clarification and identification of support is required for each claim in is required.

DECISION

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

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

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

Any inquiry regarding this decision should be directed Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

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.
12/059,963	03/31/2008	Barbara Susanne ROTH	DE920080031US1	5793

48150 7590 01/07/2009
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
DAM, TUAN QUANG

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
01/07/2009	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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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Christopher R. Monday
McGinn IP Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817

January 7, 2008

In re Application of
Inventor Name: Roth et al.
Serial No.: 12/059,963
Filed: March 31, 2008
Docket: DE920080031US1
Title: METHOD AND SYSTEM FOR IMPLEMENTING A COMPLETE SAP SYSTEM LANDSCAPE ON IBM SYSTEM I

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

This is a decision on the renewed petition filed on July 22, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on March 31, 2008 was dismissed in the decision mailed on June 23, 2008.

The original petition was dismissed for failure to identify all limitations in the claims that are disclosed by references sited as most closely related (item II 6.2), for failure to clearly explain how the claimed invention would be patentable over references cited as most closely related (item II6.3) and to show where each claimed limitation find support under 35 USC 112, first paragraph in the written description of the specification (item II6.5). The renewed petition to make the application special is **DENIED**. As part of the renewed petition a revised Examination Support Document is submitted. This document includes a discussion of cited references. The discussion of each reference begins with the statement "Partially, with respect to", lists at least one claim feature and reproduces sections of the references. However, it is unclear from this document just what elements of the parts of the claimed features listed is disclosed in the cited references.

Further, in section 9(C) of the revised Examination Support Document, Petitioner lists at least one element as a basis for patentability that was listed as being disclosed by references deemed most closely related. Therefore, the revised Petition for Accelerated Examination submitted July 22, 2008 fails to comply with items II 6.2 and II6.3.

The revised petition does however meet the requirements of item II6.5 discussed in the original decision.

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

Any inquiry regarding this decision should be directed to Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

_____/Gail Hayes/_____
Gail Hayes
Quality Assurance Specialist
Technology Center 2100
Computer Security, Architecture and Software

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,963	03/31/2008	Barbara Susanne ROTH	DE920080031US1	5793

48150 7590 06/05/2009
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
DAM, TUAN QUANG

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
06/05/2009	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

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

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

Applicant: Barbara Susanne Roth et al. Application No. 12/059,963 Filed: March 31, 2008 For: METHOD AND SYSTEM FOR IMPLEMENTING A COMPLETE SAP SYSTEM LANDSCAPE ON IBM SYSTEM	**Decision On Petition to Make Special under 37 C.F.R. § 1.102 (d) and M.P.E.P. § 708.02(a)**

This is a decision in response to the submission received on February 24, 2009 requesting reconsideration of the decision mailed January 7, 2009, denying accelerated examination status for the instant application. The signatory of the January 7, 2009 decision denying accelerated examination status possessed delegated authority to act on behalf of the Technology Center Director in such matters. Therefore, the petition received on February 24, 2009 is a request for review of a decision of a Technology Center Director. Accordingly, the Office of the Deputy Commissioner for Patent Examination Policy has decision-making authority over Applicant's petition. M.P.E.P. § 1002.02(b)(15).

The petition to reconsider the denial of accelerated examination status for application No. 12/059,963 and to grant such status under 37 CFR 1.102 is **DENIED**.

Background

The above-identified application was filed under 35 U.S.C. § 111(a) on March 31, 2008 accompanied by a petition under 37 CFR 1.102(d) to make the application special under the accelerated examination program. See 71 Fed. Reg. 36,323.

On June 23, 2008, a decision was mailed by the USPTO dismissing Applicant's petition to make special. The decision outlined the requirements for accelerated examination pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" (71 Fed Reg. 36323), and noted deficiencies in the Statement of Pre-examination Search and the Accelerated Examination Support Document (AESD) as the justification for not granting special examination status to the application.

On July 22, 2008, petitioner filed a request for reconsideration of the June 23, 2008 decision. This request was accompanied by a revised pre-examination search document and a revised AESD. On January 7, 2009, a decision was mailed by the USPTO denying Applicant's petition to make special. The decision found that the revised AESD was still not adequate to fulfill the requirements of the program.

On February 24, 2009, Applicant submitted the instant Petition requesting reconsideration of the January 7, 2009 denial of the petition to make special. The petition is accompanied by a newly revised AESD.

Applicable Regulations and Notice Sections

37 CFR § 1.102 Advancement of Examination

> (a) Applications will not be advanced out of turn for examination or for further action except as provided by this part, or upon order of the Director to expedite the business of the Office, or upon filing of a request under paragraph (b) of this section or upon filing a petition under paragraphs (c) or (d) of this section with a showing which, in the opinion of the Director, will justify so advancing it.

Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination", 71 Fed. Reg. 36,323 (Jun. 26, 2006)

The relevant portion of the Accelerated Examination Notice are as follows:

> *Part II. Decision on Petition To Make Special:* Applicant will be notified of the decision by the deciding official. If the application and/or petition does not meet all the prerequisites set forth in this notice for the application to be granted special status (including a determination that the search is deemed to be insufficient), the applicant will be notified of the defects and the application will remain in the status of a new application awaiting action in its regular turn. In those instances in which the petition or accelerated examination support document is defective in one or more requirements, **applicant will be given a single opportunity to perfect the petition** or accelerated examination support document within a time period of one month (no extensions under 37 CFR 1.136(a)).

Decision

Petitioner request for reconsideration does not allege error in the decision denying special status issued on January 7, 2009. Instead, petitioner has included with this petition a revised accelerated examination support document to address the outstanding deficiencies noted in the decision denying accelerated examination status mailed January 7, 2009. Petitioner is reminded that only a single opportunity to perfect the support document within a one month time period is provided as stated in Part II of the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination", 71 Fed. Reg. 36,323 (Jun. 26, 2006). Since this newly revised support document is after both the one month time period and the single opportunity to perfect the support document, it cannot be effective in removing the denial.

CONCLUSION

For the above-stated reasons, the petition to reconsider a denial to make special application No. 12/059,963 is **DENIED**. Therefore, the USPTO will examine the above-identified application in accordance with standard examination procedures.

This decision may be viewed as final agency action. See MPEP 1002.02.

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

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

Telephone inquiries related to this decision should be directed to Pinchus M. Laufer, Legal Advisor at (571) 272-7726.

Robert A. Clarke

Robert A. Clarke, Director
Office of Patent Legal Administration
Office of the Deputy Commissioner for Patent Examination Policy

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

COPY MAILED

AUG 22 2008

In re Application of	:	
Peter E. **KIRKPATRICK**, et al	:	
Application No. 12/059,981	:	DECISION ON PETITION
Filed: May 8, 2008	:	TO WITHDRAW
Attorney Docket No. 026529-000400US	:	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 23, 2008.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal.

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

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: PETE KIRKPATRICK, APRIUS, INC.
440 NORTH WOLFE ROAD
SUNNYVALE, CA 94085

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

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JUL 2 0 2009

OFFICE OF PETITIONS

In re Application of Jean Herzberg et al Application No. 12/059,989 Filed: March 31, 2008 Attorney Docket No. 476201	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 7, 2009.

The request is **NOT APPROVED**.

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 prosecuting this application. Returning back to CU and Inventors." do not appear to 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 Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Tara Dressler, Patent Administrator
The University of Colorado Technology Transfer Office
4740 Walnut Street, Suite 100
Campus Box 588
Boulder, CO 80309

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

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Jean Herzberg et al	:	
Application No. 12/059,989	:	DECISION ON PETITION
Filed: March 31, 2008	:	TO WITHDRAW
Attorney Docket No. 476201	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 8, 2009.

The request is **APPROVED**.

The request was signed by Curtis A. Vock on behalf of the practitioners of record who are associated with Customer No. 30955.

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Jean Hertzberg
23 Wendelyn Way
Boulder, CO 80302

cc: University of Colorado at Boulder
CU Technology Transfer Office
4740 Walnut Street, Suite 100
Campus Box 588
Boulder, CO 80309

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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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/059,989	03/31/2008	Jean Herzberg	476201

CONFIRMATION NO. 5834

POWER OF ATTORNEY NOTICE

30955
LATHROP & GAGE LLP
4845 PEARL EAST CIRCLE
SUITE 201
BOULDER, CO 80301

OC000000037926415

Date Mailed: 09/28/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/08/2009.

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

/idingle/

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/059,989	03/31/2008	Jean Herzberg	476201

CONFIRMATION NO. 5834

POA ACCEPTANCE LETTER

Jean Hertzberg
23 Wendelyn Way
Boulder, CO 80302

OC000000037926535

Date Mailed: 09/28/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/08/2009.

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

/idingle/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/059,991	03/31/2008	Abu Sebastian	CH920070095US1	5837

78754 7590 10/28/2008
IBM-ACC-Washington
c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
11th Floor
Irvine, CA 92612

EXAMINER

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
10/28/2008	PAPER

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

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

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IBM-ACC-Washington
c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
11th Floor
Irvine CA 92612

In re Application of:
Abu Sebastian
Serial No.: 12/059991
Filed: March 31, 2008
Docket: CH920070095US1

Title: METHOD AND APPARATUS FOR SIGNAL TRANSFORMATION FOR POSITIONING SYSTEMS

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

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it is a utility application filed under 37 CFR 1.111(a) and was not complete. The Notice to File Corrected Application papers April 10, 2008 is evidence that the application was not complete and in condition for examination at the time of filing.

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719. If attempts to reach the undersigned are unsuccessful, Mano Padmanabhan., Quality Assurance Specialist can be reached at (571) 272-4210.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist

Technology Center 2100

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Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis MN 55402-1609

MAIL

APR 18 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
JELLARD, EDWARD G.
Serial No.: 12/060,028
Filed: March 31, 2008

Title: **METHOD FOR PREVENTING EXCESSIVE SKIPPING ON AUDIO DISKS**

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

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

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

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

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/ subclasses: 369/30.1, 30.11, 44.28, 47.54, 53.29.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.2 and 5.3 above, and the Preexamination Search Document must be amended to indicate such; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis MN 55402-1609

In re Application of:
JELLARD, EDWARD G.
Serial No.: 12/060,028
Filed: March 31, 2008

Title: **METHOD FOR PREVENTING EXCESSIVE SKIPPING ON AUDIO DISKS**

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

This is a decision on the petition filed on May 16, 2008 requesting reconsideration that the above-identified application be made special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

MAILED

FEB 0 2 2009

OFFICE OF PETITIONS

In re Application of

HIGHLEY, Robert D.
Application No. 12/060,034
Filed: March 31, 2008
Attorney Docket No. **008356.P001**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed December 12, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Mark R. Hennings 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.

Our records indicate that Mark R. Hennings has power under customer numbers 62294, 79124, 80118, 80551 and 80661.

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

All future communications from the Office will continue to be directed to the below-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: **CHI-SQUARE TECHNOLOGIES, INC.**
4324 36TH AVE. W. SUITE A
SEATTLE WA 98199

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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OFFICE OF PETITIONS

In re Application of
HIGHLEY, Robert D.
Application No. 12/060,034
Filed: March 31, 2008
Attorney Docket No. **CHIS-1-1001**

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 10, 2009.

The request is not approved because it is **moot**.

A review of the file record indicates that the power of attorney to BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP has been revoked by the applicant of the patent application on March 02, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **BLACK LOWE & GRAHAM, PLLC**
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,036	03/31/2008	Thomas Jack Geraint Bailey	GB920080119US1	5911

78046 7590 07/28/2008
IBM - EU c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
Suite 1150
Irvine, CA 92612

EXAMINER
ZHEN, WEI Y

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
07/28/2008	PAPER

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

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

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Mr. Michael Zarrabian
IBM – EU c/o Myers, Dawes, Andras, & Sherman, LLP
19900 MacArthur Blvd.
Suite 1150
Irvine, CA 92612

In re Application of:
Thomas J. G. BAILEY, et al.
Application No. 12/060036
Attorney Docket #: GB920080119US1
Filed: March 31, 2008
For: METHOD AND APPARATUS FOR CONCURRENCY TESTING WITHIN A MODEL-BASED TESTING ENVIRONMENT

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02

This is a decision on the Petition To Make Special under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, filed on March 31, 2008.

The petition is **DISMISSED**.

I. M.P.E.P. § 708.02, §§ VIII sets forth the prerequisites for a grantable Petition for Accelerated Examination under 37 C.F.R. § 1.102(d) and states in relevant part:

> A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:
>
> (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR § 1.17(h);
>
> (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
>
> (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
>
> (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
>
> **(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR §§ 1.111 (b) and (c), how the claimed subject matter is patentable over the references.**

> In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Technology Center Special Program Examiner.

The Petition is deficient with respect to M.P.E.P. § 708.02, §§ VIII(e) (as bolded supra).

As set forth in requirement (e), Petitioner must provide a "detailed discussion of the references, which discussion points out, with the particularly requirement by 37 CFR § 1.111(b) and (c), how the claimed subject matter is patentable over the references." 37 CFR § 1.111(b) requires that the discussion of prior art references presents "arguments pointing out the specific distinctions believed to render the claims . . . patentable over any applied references," while 37 CFR § 1.111(c) states that "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section."

In the petition section labeled "9(B). Identification of Limitations Disclosed by References," Petitioner's discussion of the MOE, BICHENO, ROWE, and DIACONU prior art fails to sufficiently compare each of Petitioner's claim elements to each reference's disclosures. Discussion of the limitations disclosed by the prior art must be individually compared to the each claim limitation of the Petitioner's claimed invention. Petitioner fails to perform this comparison and, instead, presents a summary of the cited prior art.

In the petition section labeled "9(C). Detailed Explanation of Patentability," Petitioner fails to adequately discuss "specific distinctions" between the prior art and the claimed invention. Instead, Petitioner relies on the general allegation that the references "fail to at least teach or suggest. . . ." Petitioner's **cursory treatment** of the references does not detail, with the particularity called for in 37 CFR § 1.111(b), the relevancy of the prior art pedagogy in order to sufficiently set forth a case distinguishing the limitations claimed to be patentable in relation to the given reference. The petition must specifically show, for each independent claim, **specific language** that distinguishes it over each give reference in order to specify "how the claimed subject matter is patentable over the references."

II. M.P.E.P. § 708.02(a), Section I sets forth the requirements for granting accelerated examination status under 37 C.F.R. § 1.102(c)(2) and states in relevant part:

> A new application may be granted accelerated examination status under the following conditions:
>
> (H) **At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.**

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

(2) **This preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.**

(3) **The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (see item I) will be treated as not fully responsive and will not be entered. See subsection IV below for more information.**

(4) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements for a preexamination search.

(5) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. See 37 CFR 1.56 and 10.18.

(I) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

(1) An accelerated examination support document must include an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims.

(2) For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

(3) The accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).

(4) The accelerated examination support document must include a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application).

(5) The accelerated examination support document must include a showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the specification. If applicable, the showing must also identify:

(i) each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, paragraph 6; and

(ii) the structure, material, or acts in the specification that correspond to each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, paragraph 6. If the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.

(6) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c).

The Petition is deficient with respect to M.P.E.P. § 708.02(a)(I) and § 708.02(a)(H) (as bolded supra).

Regarding the requirement of MPEP § 708.02(a)(H)(2), the pre-exam search must be directed to the (instant) claimed invention. Based upon the subject matter of this Petition, a search in the following additional class and/or subclasses should be included in order to provide full coverage of where the most pertinent references are most likely to be found:

U.S. Field of Search;
714/11
717/126

It is also unclear whether Petitioner searched the subclasses in classes 348, 386, 398, and 725 with the requisite particularity to uncover relevant prior art. A more directed search in the listed areas would be appropriate to uncover relevant prior art.

Again, the aforementioned additional classes and/or sub-classes are not meant as an exhaustive list, merely a representative listing of applicable search areas which have not been included in the Petitioner's pre-exam search. It is incumbent on the Petitioner to evaluate all applicable classes and/or sub-classes for pertinent prior art.

Regarding the requirement of MPEP § 708.02(a)(H)(3), the text search query reported by the Petitioner fails for its lack of depth and breadth to cover all of the concepts the claims recite. The text search query fails for lack of inclusion of applicable terms, and their synonyms, as used in the claims of the invention. These include, without limitation: **testing environment**, **test service**, **sequentially**, **different order**, **comparison**, **failure**, and **indicating**.

Additionally, the reported text search query fails to include several terms which may reveal applicable prior art. For example, the terms **virtual machine**, **hypervisor**, **sandbox**, **debug**, **software quality assurance**, **dynamic testing**, **verification**, **black-box testing**, **model-based testing**, and **abstract test suite**, along with synonyms thereof, should be included in the search string.

Finally, the text search query fails to use many common synonyms which may reveal applicable prior art. For example: Petitioner uses the term **number** while failing to include the terms **frequency** and **occurrence**; **concurrent** while failing to include the terms **simultaneous**, **parallel**, **contemporaneous**; **test** while failing to include the terms **examine**, **check**, **validate**, **analyze**, **assess**; **model** while failing to include the term **representation**; **compare** while failing to include the terms **contrast** and **evaluate**; **user** while failing to include the terms **operator**, **instigator**, and **evaluator**; and, **identical** while failing to include the terms **matching** and **equal**.

Note that the above listed terms and synonyms are not meant to be an exhaustive list, merely an example of various terms and synonyms that can be used to produce a more comprehensive prior art search. Nor is this objection limited to only those sets of search terms listed; each search term used should be evaluated for applicable synonyms. Additionally, searches utilizing other databases should be modified to include the abovementioned terms and synonyms.

Because the petition fails to satisfy all of the criteria set forth above, the petition to make special is **DISMISSED**.

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

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

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

A second point of contact is QAS Kim Huynh at (571) 272-4147.

Tod Swann, QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3612

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,036	03/31/2008	Thomas Jack Geraint Bailey	GB920080119US1	5911

78754 7590 09/16/2008
IBM-ACC-Washington
c/o Myers Dawes Andras & Sherman, LLP.
19900 MacArthur Blvd.
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Irvine, CA 92612

EXAMINER
ZHEN, WEI Y

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
09/16/2008	PAPER

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

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

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Mr. Michael Zarrabian
IBM – EU c/o Myers, Dawes, Andras, & Sherman, LLP
19900 MacArthur Blvd.
Irvine, CA 92612

In re Application of:
Thomas J. G. BAILEY, et al.
Application No. 12/060036
Attorney Docket #:GB920080119US1
Filed: March 31, 2008
For: METHOD AND APPARATUS FOR CONCURRENCY TESTING WITHIN A MODEL-BASED TESTING ENVIRONMENT

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02

This is a decision on the renewed petition filed on August 28, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on March 31, 2008 was dismissed in the decision mailed on July 28, 2008.

The renew petition to make the application special is **GRANTED** as the new Support Document meets the requirements of conditions II 6.2-6.3 (MPEP 708.02VIII((e), 9(B) & 9(C)) and the new Search Document meets the requirements of conditions II 5.2 and 5.3(MPEP 708.02(H)(2-3)) that were deficient in the original petition. The mention of classes 348 386, 398 and 725 were a copy and paste mistake and should not have been included in the previous decision.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323) as the original identified deficiencies for failing to comply with the requirements for the pre-examination search encompassing all of the features of the claims, and giving the claims the broadest reasonable interpretation, the statement of patentability must provide a detailed explanation of how each of the claims are patentable and the concise statement of the utility must be of the invention as defined in each of the independent claims (reference must be made to independent claims 1, 14 and 20) have been corrected.

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

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

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

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

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

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

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an

updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

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

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

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

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

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

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

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

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of

a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

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

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of Contact is Kim Huynh at (571)-272-4147.

Tod R Swann
Quality Assurance Specialist
Technology Center 2100
Computer Security, Architecture and Software

1 0 MAR 2010

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JHK LAW
P.O. BOX 1078
LA CANADA CA 91012-1078

In re Application of	:
Kim et al.	:
Application No. 12/060,056	: DECISION ON PETITION
Filed: March 31, 2008	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 58049-10CON	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 23, 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 concurrently with the instant petition.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above.

A reference to add the prior-filed applications on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both

> applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment[1] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(3), is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration

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

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[1] *Note* 37 CFR 1.121

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PALO ALTO, CA 94304

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MAY 24 2010

OFFICE OF PETITIONS

In re Application of Ashwinder Ahluwalia Application No. 12/060,069 Filed: March 31, 2008 Attorney Docket No. 085804-715700	: : : : :	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 March 25, 2010.

The request is **NOT APPROVED**.

It is noted that a power of attorney was filed by the assignee on April 19, 2010, which revoked any previous power of attorney or authorization of agent. Therefore, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

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

This application file is being referred to Technology Center Art Unit 3622 for examination in due course.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,083	03/31/2008	Antonio Mangiacotti	FR920070127US1/IBMSP004	5987

67257 7590 05/01/2008
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
05/01/2008	PAPER

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

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

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SAN JOSE CA 95172-1120

In re Application of: Antonio MANGIACOTTI, et al. Serial No.: 12/060,083 Filed: March 31, 2008 Title: **DRAFT OPTIMIZATION FOR PRINTING**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application was not complete at the time of filing, as set forth in condition 3. above. A Notice to File Corrected Application Papers was mailed on April 11, 2008. A corrected drawing was filed on April 23, 2008.

For the above-stated reason, the petition is denied. After the application is considered complete by the Office of Initial Patent Examination (OIPE), it will be taken up by the examiner for action in its regular turn.

/Krista Zele/

Krista Zele
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,089	03/31/2008	Christopher Davies	GB20080059US1 (163-232)	5995

49267 7590 07/16/2008
KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH, SUITE 210
WOODBURY, NY 11797

EXAMINER

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
07/16/2008	PAPER

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

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

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KEUSEY, TUTUNJIAN & BITTETO, P.C.
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WOODBURY, NY 11797

In re Application of: Christopher Davies Serial No.: 12/060,089 Filed: March 31, 2008 Docket: GB2000059US1 (163-232) Title: DEFINING WORKFLOW PROCESSING USING A STATIC CLASS-LEVEL NETWORK IN OBJECT-ORIENTED CLASSES	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I.1 – I.4, II.5.1 , II.5.3, II 6.4 and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.2 , II.6.1- II.6.3 and II. 6.5. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5.2 above, the preexamination search does not encompass all of the features of the claims .

> Specifically, with respect to the database searches, claim limitations some of which have been identified as patentable features distinguishing the claimed invention from the cited prior art (such as "model" in some proximity to "workflow", "transition", "object oriented" or "class" or any search terms covering these limitations do not appear to have been included in the search). Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary. It is recommended that an update search be performed using the following search strings: **"model" same "workflow"**; **"model" same "workflow" and "transitions" same ("object oriented" or "class")**; or **"workflow" or "model" same "transition"** with / without the below identified classes / subclasses .

In addition, based upon the claimed subject matter of the instant application, a search in the following class and subclass (where the application has been classified and docketed) is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: Class 717, subclasses 104 (software development tools that comprise modeling means or steps for designing and specifying a representation of the structure and desired behavior of a program to be developed) and class 718, subclass 106 for workflow tasks / processing, i.e. dependency based processing, for subject matter related to claimed workflow processing using a network model.

Further, petitioner should review the Detailed Explanation of Patentability section in view of any update search and/or clarifications and provide clarifications, as necessary, to ensure compliance with the requirement of MPEP §708.02(a)(I.)(I)(3) and item 6.3 above.

Regarding the requirement of item 6.1 and 6.2 above, while petitioner lists several Patent and Non-Patent Literature (NPL) documents on the Information Disclosure Statement (IDS) filed with the petition, the Support Document only identifies one U.S. Patent document as most closely related to the claimed subject matter. Petitioner is required to include a discussion of all other documents listed on the IDS but not discussed in the Support Document, or if the other documents omitted from the Support Documents are deemed not required in the Support Document, submit these documents in a separate IDS in compliance with 37 CFR 1.97 and 1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, Applicant should clearly identify the separate IDS that is not in support of the petition. It is noted that any reference submitted in a separate IDS that is not in support of an

[1] MPEP 8th ed. rev 5 August 2006

AESD will be treated as representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the IDS of the AESD. In addition, The application contains at least one Figure (Fig. 1) labeled as "Prior Art" which is taken as a representation by the Applicant that the subject matter depicted in Fig. 1 may be at least as closely related to the claimed invention as those listed on the IDS and/or discussed in the support document. Petitioner is required to provide a statement as to whether the subject matter is more closely related to the claimed subject matter than those listed on the IDS and/or discussed in the AESD, and if so, identify any claim limitations disclosed in Prior Art depicted in Fig. 1. Correction is required.

Regarding item 6.3 above, the Support Document fails to provide a detailed explanation of how the claim is patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).
37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited." Petitioner's "Statement of Patentability" is not clear as to how each of the claims is patentable over the references cited and the state of the art represented by Figure 1 labeled as "Prior Art". Clarification is required.
In addition, regarding item 6.3 above, it should be noted that while applicant's detailed explanation of how the sole claim is patentable over the cited references (no reference was found to disclose any limitations in claim 1) is technically acceptable, not finding even one reference that teaches even one claimed limitation may be another indication of the inadequacy of the search. It is assumed that after the supplemental search is completed new references will be found that better read on the claimed invention and will be properly analyzed in the Support Document included with any renewed petition.

Finally, with respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, the Accelerated Examination Support Document only cites to Fig. 2 as providing support for the claim as a whole, without specifically pointing out where ***each limitation*** of claim 1 ***finds support in the specification***, as required above. Clarification and identification of support is required.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Kakali Chaki, Quality Assurance Specialist, at (571)-272-3719.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,089	03/31/2008	Christopher Davies	GB20080059US1 (163-232)	5995

49267 7590 12/08/2008
KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH, SUITE 210
WOODBURY, NY 11797

EXAMINER
BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
12/08/2008	PAPER

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

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

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KEUSEY, TUTUNJIAN & BITTETO, P.C.
20 CROSSWAYS PARK NORTH, SUITE 210
WOODBURY, NY 11797

In re Application of:
Christopher Davies
Serial No.: 12/060,089
Filed: March 31, 2008
Docket: GB2000059US1 (163-232)
Title: DEFINING WORKFLOW PROCESSING USING A STATIC CLASS-LEVEL NETWORK IN OBJECT-ORIENTED CLASSES

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

This is a decision on the renewed petition filed on August 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, filed on March 31, 2008 was dismissed on July 16, 2008.

The petition to make the application special is GRANTED.

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

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

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

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election

without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719.

/Kakali Chaki/

Kakali Chaki
Quality Assurance Specialist
Technology Center 2100

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PALO ALTO, CA 94304

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of Ashwinder Ahluwalia Application No. 12/060,094 Filed: March 31, 2008 Attorney Docket No. 085804-716100	:	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 March 25, 2010.

The request is **NOT APPROVED**.

It is noted that a power of attorney was filed by the assignee on April 19, 2010, which revoked any previous power of attorney or authorization of agent. Therefore, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

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

This application file is being referred to Technology Center Art Unit 2165 for examination in due course.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,116	03/31/2008	Chris LOWERY	030348.00001	6042

68543 7590 02/22/2010
Arent Fox LLP
555 West Fifth Street
48th Floor
Los Angeles, CA 90013

EXAMINER
HUYNH, ANDY

ART UNIT	PAPER NUMBER
2818	

NOTIFICATION DATE	DELIVERY MODE
02/22/2010	ELECTRONIC

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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):

LAIPDocket@arentfox.com
Patent_Mail@arentfox.com

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Arent Fox LLP
555 West Fifth Street
48th Floor
Los Angeles CA 90013

In re Application of	:	
Chris LOWERY	:	DECISION ON PETITION
Application No. 12/060,116	:	TO MAKE SPECIAL UNDER
Filed: 31 March 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 030348.00001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 14 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 2818 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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.
12/060,121	03/31/2008	Denilson Nastacio	RSW920070429US1/IBMSP010	6051

67257 7590 07/17/2008
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
07/17/2008	PAPER

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

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

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Dominic M. Kotab
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE CA 95172-1120

In re Application of:
Nastacio
Serial No.: **12/060121**
Filed: March 31, 2008
Docket: **RSW920070429US1/IBMSP010**
For: **METHOD FOR MONITORING WEB PAGE STATISTICS**

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

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I 1-4, II 1-4 and II 5.1, 5.3, II and 6.1-6.2 plus 6.4-6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2 and 6.3 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP §708.02(a)(I.)(H)[1] and item II.5.2 above, the preexamination search does not encompass all of the features of the claims, and does not appear to have given the claims the broadest reasonable interpretation.

The search should additionally have included the classes 709/217-219(access to remote data resources) and 709/223, 225-226(network monitoring, control and resource management).

The search syntax and terms were also deficient in the ways listed below. Where search terms are suggested for improving the scope and direction of the search, the suggestions will employ EAST syntax. The petitioner should remain mindful that any suggested queries or terms presented here do not comprise complete queries. Please adapt such suggestions, as appropriate, to incorporate them into fully formed searches. If a connector is not specified, the use of "OR" may be assumed.

- Claims are to be given their broadest reasonable interpretation in light of the specification. MPEP §2111.
    - The specification implies a construction of the term "hardcoded" substantially broader than that term is generally understood in the art (for example, in paragraph 0019 of the Detailed Description, page 6 of the Specification, "...the script may be dynamically generated based on at least on or more elements of the web application...").
    - The art typically uses terms other than "script" to encompass means by which monitoring assets may be embedded in web documents. The preexamination search does not include these commonly known terms.
    - To remedy these deficiencies, searches incorporating the terms "script" "code" or "hardcod*" should be altered to incorporate terms that properly reflect what is claimed here. To accomplish this, those terms should be replaced with the following terms *(script code module driver applet JavaScript ActiveX (web adj bug) program)*.
- To properly encompass the monitoring concept that is embodied here, the search terms "monitor$" and "monitor) should be replaced with *(monitor$ log$ record$ track$ watch$ track supervise oversee administ$)*

Regarding the requirement of MPEP §708.02(a)(I.)(H)[2] and item II.6.3 above the statement of patentability is deficient as the statement states that all of the references fails to teach or suggestion the two claimed elements followed by a statement that none of the references thus anticipate the claims. This statement needs to be clarified to include that any combination of the references plus official notice fails to render the claims obvious.

DECISION

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

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension

[1] MPEP 8th ed. rev 6 September 2007
[2] MPEP 8th ed. rev 6 September 2007

of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

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

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of contact is QAS Kim Huynh at (571) 272-4147.

Tod R Swann
Quality Assurance Specialist
Technology Center 2100
Computer Security, Architecture and Software
571-272-3612

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,121	03/31/2008	Denilson Nastacio	RSW920070429US1/IBMSP010	6051

67257 7590 09/16/2008
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
09/16/2008	PAPER

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Dominic M. Kotab
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE CA 95172-1120

In re Application of:
Nastacio
Serial No.: **12/060121**
Filed: March 31, 2008
Docket: **RSW920070429US1/IBMSP010**
For: **METHOD FOR MONITORING WEB PAGE STATISTICS**

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

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

This is a decision on the renewed petition filed on August 14, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on March 31, 2008 was dismissed in the decision mailed on July 17, 2008.

The renew petition to make the application special is **GRANTED** as the new Support Document meets the requirements of condition II 6.3 and the new Search Document meets the requirements of condition II 5.2 that were deficient in the original petition.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323) as the original identified deficiencies for failing to comply with the requirements for the pre-examination search encompassing all of the features of the claims, and giving the claims the broadest reasonable interpretation, the statement of patentability must provide a detailed explanation of how each of the claims are patentable and the concise statement of the utility must be of the invention as defined in each of the independent claims (reference must be made to independent claims 1, 14 and 20) have been corrected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of Contact is Kim Huynh at (571)-272-4147.

Tod R Swann
Quality Assurance Specialist

Technology Center 2100
Computer Security, Architecture and Software

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,129	03/31/2008	John William Duffell	GB920080120US1/IBMSP015	6060

67257 7590 08/25/2008
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER
ZHEN, WEI Y

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
08/25/2008	PAPER

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

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SAN JOSE CA 95172-1120

In re Application of: John William Duffell et al. Serial No.: 12/060129 Filed: March 31, 2008 Docket: GB920080120US1/IBMSP015 Title: RANDOM ACCESS TO HISTORICAL PROGRAM STATE FOR ENHANCED DEBUGGING	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The petition to make the application special is **GRANTED**.

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

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

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

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

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

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

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

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

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

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

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file

any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

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

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

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

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

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

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki at (571) 272-3719.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

IBM - EU c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
Suite 1150
Irvine CA 92612

In re Application of:
TOIFL, THOMAS H., et al.
Serial No.: 12/060,140
Filed: March 31, 2008

Title: **METHOD AND SYSTEM FOR LOW-POWER INTEGRATING DECISION FEEDBACK EQUALIZER WITH FAST SWITCHED-CAPACITOR FEED FORWARD PATH**

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

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. Items 5.2, 53, 6.2 and 6.3.

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

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search which is to be provided under section 8(A) is not sufficient. It is too narrow. In addition to the search areas provided, applicant would also need to search the following class/subclass: 375/229, 230, 232, 285, 348, 350, and 333/18.28R.

Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document is deficient because section 9(B) titled "Identification of Limitations Disclosed by References" provides only a broad general description of each reference cited. The claim is directed to a method of operation that identifies steps in the operation. The Accelerated Examination Support Document identifies structural elements of an apparatus. The petition fails to identify all of the limitations in the claim of the application that are disclosed by each reference cited and specifying where each limitation is disclosed by each cited reference as required by item 6.2. Clarification is required

Regarding the requirement in items 6.2 and 6.3 above, petitioner does not provide an identification of claimed limitations and/or a detailed explanation of patentability of the claim ***with respect to each reference*** cited in the IDS in support of the Accelerated Examination Support Document. Petitioner has only identified claim limitations and also argued the patentability of the claim in regard to four of the thirty five cited references in the IDS filed with the accelerated examination support document). The Accelerated Examination Support Document does not provide an identification of claimed limitations and/or a detailed explanation of patentability of the claim with respect to the other thirty two cited references *Therefore, any request for reconsideration must provide a detailed explanation in regard to the claim with respect to the other thirty two cited references as set forth in items 6.2 and 6.3 above.*

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.2 and 5.3 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

DECISION

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

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

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

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

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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MAIL

JUL 16 2008

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TECHNOLOGY CENTER 2600

IBM - EU c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
Suite 1150
Irvine CA 92612

In re Application of:
TOIFL, THOMAS H. et al,
Serial No.: 12/060,140
Filed: March 31, 2008

Title: **METHOD AND SYSTEM FOR LOW-POWER INTEGRATING DECISION FEEDBACK EQUALIZER WITH FAST SWITCHED-CAPACITOR FEED FORWARD PATH**

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

This is a decision on the petition filed on June 19, 2008 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed May 19, 2008 have been met.

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

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

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

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

2. Restriction Practice:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,148	03/31/2008	Yarden Nir-Buchbinder	IL920080029US1	6081

47939 7590 07/22/2008
CONNOLLY BOVE LODGE & HUTZ LLP
(FOR IBM YORKTOWN)
P.O. BOX 2207
WILMINGTON, DE 19899-2207

EXAMINER
DAM, TUAN QUANG

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
07/22/2008	PAPER

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

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

July 18, 2008

John Paik
Connolly Bove Lodge & Hutz LLP
1007 N. Orange Street
P.O. Box 2207
Wilmington, Delaware 19899

In re Application of: Nir-Buchbiner, Yarden Serial No.: 12/060148 Filed: March 31, 2008 Docket: IL920080029US1 Title: METHOD AND SYSTEM FOR FORCING CONTEXT-SWITCH DURING MID-ACCESS TO NON-ATOMIC VARIABLES	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 31, 2008 o make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I1-I4, II1-II4, II5.1, II5.3, II6.1-II6.4 and II6.6 above are met. However, the petition fails to comply with conditions II5.2, and II6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Deleted: ¶

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5.2 above, the pre-examination search must be directed to the (instant) claimed invention and encompass all of the features of the claims as well as encompass the disclosed features that may be claimed. Text searches of section (A) of the Pre-examination Search Document should cover individual features of the claims themselves as well as a combination of features. The text search for US and foreign documents as well as for non-patent literature should include appropriate terms, Boolean operators, truncations, and proximities if applicable.

The class/subclass search should include 717/130 (including instrumentation/inserting code).

The following text search should be performed in order to cover claimed features:

(word near3 (high or low)) near10 ((atomic or nonatomic) near5 variable)

(instrument$5 or replac$3 or insert$3) near5 (thread near3 switch$3)

concurrent$2 near5 (noise or bug) near5 (test$3 or inject$3 or insert$ or instrument$5)

Clarification and/or correction are required.

Finally, a search of ACM Digital Library, IEEE Xplore, and CiteSeerX is suggested.

Examples of various search strategies can be found on USPTO website, using the link http://www.uspto.gov/web/patents/accelerated/ and clicking on "Sample Accelerated Examination Support Document".

Finally, with respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above, the Accelerated Examination Support Document must provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. Section 9(E) of the Examination Support Document makes a general allegation that key features of the claimed invention may be found in Figure 1 and on pages 8-9. However, this statement fails to provide a showing of where each limitation of the claimed invention finds support in the written description. Clarification and identification of support **for each claim limitation** is required.

DECISION

[1] MPEP 8th ed. rev 6 September 2007

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

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

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

Deleted: include: 1) a statement that if the Office determines that all the claims presented are not directed to a single invention, applicant will make an election without traverse as a prerequisite to the grant of special status; 2) a detailed discussion with the particularity required by 37 CFR § 1.111(b) and (c) of how the claims distinguish over each cited reference.¶

Any inquiry regarding this decision should be directed Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,148	03/31/2008	Yarden Nir-Buchbinder	IL920080029US1	6081

47939 7590 12/16/2008
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(FOR IBM YORKTOWN)
P.O. BOX 2207
WILMINGTON, DE 19899-2207

EXAMINER
DAM, TUAN QUANG

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
12/16/2008	PAPER

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

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

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December 14, 2008

John Paik
Connolly Bove Lodge & Hutz, LLP
1007 N. Orange Street
P.O. Box 2207
Wilmington, Delaware 19899

In re Application of: Inventor Name : Yarden Nir-Buchbinder Serial No.: 12/060,148 Filed: 03/31/2008 Docket: IL920080029US1 Title: METHOD AND SYSTEM FOR FORCING CONTEXT-SWITCH DURING MID-ACCESS TO NON-ATOMIC VARIABLES	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the requests for reconsideration filed on August ~~31~~ 18, 2008 and September 25, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I1-I4, II1-II4, II5.1-II5.3, II.6.1-II6.6 above are met. Therefore, the petition meets the required conditions to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

DECISION

For the above-stated reasons, the petition is **Granted**.

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

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

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

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

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

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

within this non-extendible period for reply will result in the abandonment of the application.

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20036

In re Application of:
TZADOK, ASAF, et al.
Serial No.: 12/060,150
Filed: March 31, 2008

Title: **FAST KEY-IN FOR MACHINE-PRINTED OCR-BASED SYSTEMS**

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

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

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

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was not complete. A "Notice of Informal Application" was mailed on April 11, 2008.

Therefore, the petition is denied because the application was not complete at the time of filing as per item 3 above. After the application is considered complete by the Office of Initial Patent Examination (OIPE), it will be taken up by the examiner for action in its regular turn.

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

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
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755 PAGE MILL ROAD
PALO ALTO, CA 94304

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of Yumao Lu, et. al. Application No. 12/060,154 Filed: March 31, 2008 Attorney Docket No. 085804-716200	:	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 March 25, 2010.

The request is **NOT APPROVED**.

It is noted that a power of attorney was filed by the assignee on April 19, 2010, which revoked any previous power of attorney or authorization of agent. Therefore, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

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

This application file is being referred to Technology Center Art Unit 2100 for examination in due course.

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

Andrea Smith
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/060,162	03/31/2008	Kai Di Feng	BUR920080003US1/IBMSP012	6099

67257 7590 05/22/2008
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER

ART UNIT	PAPER NUMBER
2817	

MAIL DATE	DELIVERY MODE
05/22/2008	PAPER

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

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

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052008

ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE CA 95172-1120

In re Application of: Kai Di Feng Serial No.: 12/060,162 Filed: March 31, 2008 Attorney Docket No.: BUR920080003US1/IBMSP012 Title: METHOD FOR DETERMINING A SOURCE OF PHASE NOISE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. §1.102

This is a decision on the petition filed on March 31, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d) and M.E.P.E.P. §708.02(a).

The petition to make the application special is DISMISSED.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. §1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed;

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

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

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

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

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

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

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

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.4; II.6.1, 6.3, 6.4 and 6.6 above. However, the petition does not meet conditions II.5.1 through 5.3, II.6.2 and II.6.5 above.

Regarding condition set forth in II.5.1 through 5.3 above, the preexamination search is inadequate the cover the claimed subject matter. Specifically, the U.S. field of search should also include classes 702/ 66-80, 106, 189-197; 703/14-16; 716/2, 4 and 5; and 326/22-28, 31-34, 41 and 47. Also, the search logic is too limited because it does not include the use of synonymous terms in the art. For example, the following search logic should have been used to search for the claimed invention;

"L1 (phase or period or interval or frequency or switch$3) near5 (noise or interference or glitch or crosstalk$3 or cross-talk$3 or crosscoupl$3 or cross-coupl$3 or crossed-coupl$3)
L2 FPGA or programmable circuit---(programmable adj2 (circuit or device or array)) or FPGA or pld or cpld or asic or (application adj specific adj integrated adj circuit)
L3 1 same 2
L4 1 same ("same" or "alike" or "similar" or match$3 or identical$2)
L5 (random near3 generator) same 4
L6 (power or supply or potential) same 1
L7 3 and 5 and 6"

**Note, results of L7 would focus on 102 prior arts. Results of L5 and L6 would focus on 103 prior arts. Both results need to be considered.

Cls/subcls may be used in narrowing results of L5, L6, and L7 for USPAT, USPGPUB databases:

"L8 (USPAT, USPGPUB only) 716/1-18.ccls. Or 702/66-80,106,189-197.ccls. Or 703/14-16.ccls. Or 326/22-28,31-34,36,38,41,47.ccls.
L9 (USPAT, USPGPUB only) L5 and L8
L10 (USPAT, USPGPUB only) L6 and L8
L11 (USPAT, USPGPUB only) L7 and L8"

For foreign databases and non-patent literatures, similar searches (L1 to L7) should to be performed and analyzed.

Furthermore, it is not clear why databases such as IEE/IEEE Xplore and IBM TDB were not searched since these are sites where information material to the claimed subject matter is likely to be discovered.

Regarding condition set forth in II.6.2 above, the Examination Support Document (ESD) fails to include an identification of all the limitations in the claims that are disclosed by each reference cited in the Information Disclosure Statement (IDS) specifying where the limitation is disclosed in the cited reference. While the IDS in compliance with 37 C.F.R. §1.98 cites 5 (five) references deemed most closely related to the subject matter of each of the claims, the ESD fails to identify the limitations of the claims disclosed by each of the five references by discussing only two of these five references.

Regarding condition set forth in II.6.5 above, the examination support document must point out where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. In the instant petition, the examination support document only refers to where support for of the claim is found in the specification but does not show where support of each limitation in the claim is found. Specifically, it is stated "[s]upport in the disclosure under 35 USC 112, first paragraph, is found in at least in paragraph [0004] of the specification, which corresponds to the claim, and in Figure 1." Paragraph [0004] is the summary of the invention and is the flow chart depicting the claimed invention, they do not provide support within the meaning of 35 USC 112, first paragraph, for the claimed invention.

Accordingly, the petition fails to meet conditions II.5, II. 6.2 and II.6.5 above for special status.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:	
Kai Di Feng	Examiner: Unknown
Serial No.: 12/060,162	Group Art Unit: 2817
Filed: 03/31/2008	Date: June 19, 2008
For: METHOD FOR DETERMINING A SOURCE OF PHASE NOISE	

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

RENEWED PETITION TO MAKE SPECIAL
37 C.F.R. 1.102 and MPEP § 708.02

Sir:

In response to the Decision on Petition To Make Special ("Decision") received from the Office of Petitions, I hereby request reconsideration and/or make a renewed petition (as applicable) to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

As the undersigned practitioner, being duly registered to practice before the U.S. Patent and Trademark Office, I make the following statements in support of this renewed petition.

The petition was dismissed as failing to comply with conditions set forth under section II, items 5.1-5.3, 6.2 and 6.5 of the Conditions Regarding the Petition set forth in the Decision.

Regarding the requirement in item 5.1-5.3 as set forth in the Decision, the following class/ subclasses have been searched 702/ 66-80, 106, 189-197; 703/14-16; 716/2,4 and 5; and 326/22-28, 31-34, 41 and 47. Moreover, the queries listed in the Decision were run, including searches of foreign and non-patent literature. IEEE/IEEEXplore and the IBM Technical Disclosure databases were searched. The preexamination search document has been updated to reflect the additional search. No new references were found.

Regarding 6.2, the Support Document has also been updated to discuss all of the references in the IDS filed with the application, as well as any newly found and cited prior art (if any), in accordance with item 6 as set forth in the Decision.

Additionally, regarding 6.5, the Accelerated Examination Support Document has been updated to point out where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification and in the figures.

Accordingly, it is believed that all deficiencies noted by the Examiner in the Decision have been addressed herein and in the accompanying documents. Reconsideration and acceptance of the Petition to Make Special in this application is respectfully requested.

FEES

If it is determined that any additional fee is due the Office is authorized to charge the amount or credit any overpayment to deposit account 09-0456 (Order No. BUR920080003US1).

Zilka-Kotab PC
P.O. Box 721120
San Jose, California 95172-1120

Telephone: 408.971.2573
Facsimile: 408.971.4660

Respectfully Submitted,

/Dominic M. Kotab/
Dominic Kotab
Reg. No. 42,762

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,162	03/31/2008	Kai Di Feng	BUR920080003US1/IBMSP012	6099

67257 7590 06/26/2008
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER

ART UNIT	PAPER NUMBER
2816	

MAIL DATE	DELIVERY MODE
06/26/2008	PAPER

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

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

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062008

ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE CA 95172-1120

In re Application of: Kai Di Feng Serial No.: 12/060,162 Filed: March 31, 2008 Attorney Docket No.: BUR920080003US1/IBMSP012 Title: METHOD FOR DETERMINING A SOURCE OF PHASE NOISE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. §1.102

This is a decision on the renewed petition filed June 19, 2008, requesting reconsideration of the previous decision of April 2, 2008, dismissing the petition to make special under 37 C.F.R. §1.102(d) filed November 13, 2007.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to M.P.E.P. § 708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

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

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

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

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

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

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

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

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

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

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

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

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

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

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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.
12/060,163	03/31/2008	Fritz WOCHELE	DE920070187US1	6100

48150 7590 06/16/2008
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
BERHANE, ADOLF D

ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
06/16/2008	PAPER

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

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

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062008

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of: Fritz Wochele Serial No.: 12/060,163 Filed: March 31, 2008 Docket Number: DE920070187US1 Title: BIAS VOLTAGE CONVERTER	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102

This is a decision on the petition filed on March 31, 2008, to make the above-identified application special for accelerated examination procedure in accordance with 37 C.F.R. § 1.102(c)(2).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to M.P.E.P. §708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

Since the application has been examined and allowed the following procedure applies for Post-Allowance Processing:

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,168	03/31/2008	Giorgio Cognigni	FR920070123US1/IBMSP003	6107

67257 7590 07/23/2008
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
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EXAMINER
DAM, TUAN QUANG

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
07/23/2008	PAPER

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

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

July 18, 2008

Dominic M. Kotab
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120

In re Application of:
Giorgio Cognigni et al.
Serial No.: 12/060168
Filed: March 31, 2008
Docket: FR920070123US1/IBMSP003
Title: METHOD FOR METERING AN EXTENSIBLE LICENSE FOR JAVA APPLICATIONS

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

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I1-I4, II1-II4, II5.1, II5.3, II6.1, II6.3-II6.4, and II6.6 above are met. However, the petition fails to comply with conditions II5.2, II6.2, and II6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Deleted: ¶

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5.2 above, the pre-examination search must be directed to the (instant) claimed invention and encompass all of the features of the claims as well as encompass the disclosed features that may be claimed. Text searches of section (A) of the Pre-examination Search Document should cover individual features of the claims themselves as well as a combination of features. The text search for US and foreign documents as well as for non-patent literature should include appropriate terms, Boolean operators, truncations, and proximities if applicable.

The search logic provided for both patent and non-patent documents, fails to use Boolean operators other than "and". In addition, no synonyms were used for terms included in the strategy. Thus, references which might be relevant but which did not use exactly the same terms would not have been retrieved. For example, references which discussed a server used to store licenses would be relevant to the concept of a "license server" but would not be retrieved using Petitioner's search strategy.

An indication of which search string was reviewed for references should be included.

Clarification and/or correction are required.

Examples of various search strategies can be found on USPTO website, using the link http://www.uspto.gov/web/patents/accelerated/ and clicking on "Sample Accelerated Examination Support Document".

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item II.6.2 above, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. In section 9(B), Petitioner discusses four relevant patent documents but fails to identify the particular claim discussed. With respect to Article 1 and 2, Petitioner fails to specify where the cited claim limitation is disclosed in the reference but instead reproduces a section of the reference. Also it is unclear specifically where in the reproduced section the cited claim language is disclosed. Correction is required

Finally, with respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above, the Accelerated Examination Support Document must provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. In section 9(E) of the Examination Support Document, a general allegation that support for the claimed invention may be found in paragraphs 3 and 11-15 is made. However, this statement fails to provide a showing of where each claim limitation finds support in the written description. Clarification and identification of support **for each claim limitation** is required.

[1] MPEP 8th ed. rev 6 September 2007

DECISION

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

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

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

Deleted: include: 1) a statement that if the Office determines that all the claims presented are not directed to a single invention, applicant will make an election without traverse as a prerequisite to the grant of special status; 2) a detailed discussion with the particularity required by 37 CFR § 1.111(b) and (c) of how the claims distinguish over each cited reference.¶

Any inquiry regarding this decision should be directed Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,168	03/31/2008	Giorgio Cognigni	FR920070123US1/IBMSP003	6107

67257 7590 09/29/2008
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER
DAM, TUAN QUANG

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
09/29/2008	PAPER

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

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

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September 25, 2008

Dominic M. Kotab
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120

In re Application of: Giorgio Cognigni et al. Serial No.: 12/060,168 Filed: March 31, 2008 Docket: FR920070123US1/IBMSP003 Title: METHOD FOR METERING AN EXTENSIBLE LICENSE FOR JAVA APPLICATIONS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on August 19, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I1-I4, II1-II4, II5.1-II5.3, II.6.1-II6.6 above are met. Therefore, the petition meets the required conditions to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

DECISION

For the above-stated reasons, the petition is **Granted**.

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

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

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

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

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

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

within this non-extendible period for reply will result in the abandonment of the application.

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

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

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

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817

JUN 12 2008

In re Application of:	:	
Fritz Wochele	:	DECISION ON PETITION TO
Serial No.: 12/060,183	:	MAKE SPECIAL FOR NEW
Filed: March 31, 2008	:	APPLICATION UNDER 37
Attorney Docket No.: CH920080039US1	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
Title: COMPOUND POWER SUPPLY	:	

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The petition fails to comply with at least the conditions set forth in II. 6.2 and 6.5. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding condition II. 6.2, an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference is required. The listing of some non-claimed limitations or a general description of the invention in the reference is not sufficient. The limitations referred to in II. 6.2 are claim limitations. It should be specified what claim limitations of the application are met by the reference and where the claimed limitations are disclosed in the reference, as well as which claim limitations are not met by the reference.

Regarding condition II. 6.5, a showing of where ***each*** claim limitation finds support under ***35 USC 112, first paragraph***, in the written description of the specification is required. The statement that support for the entire claim "is found at least in paragraph [0004] of the specification, which corresponds to the claim, and in Figures 1-5" is not specific enough. It must be indicated exactly where in the written description of the specification the support under 35 USC 112, first paragraph for ***each*** individual claim limitation can be found in the specification. A duplication of the entire claim or a general description of the invention in the specification is not sufficient to provide ***35 USC 112, first paragraph*** support. This showing basically requires a copying of the claim, listing reference numbers for each claimed element and an indication where in the written description of the specification the claimed limitation is discussed in relation to the drawings.

DECISION

For the above-stated reasons, the petition is **dismissed**. Nevertheless, it is noted that a Notice of Allowance has already been mailed in connection with the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,189	03/31/2008	Jason Chester Garcowski	RSW920070455US1/IBMSP006	6139

67257 7590 07/23/2008
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER
HONG, STEPHEN S

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
07/23/2008	PAPER

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

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

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July 21, 2008

ZILKA-KOTAB, PC-IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

In re Application of: **GARCOWSKI, et al.** Serial No.: **12/060,189** Filed: **March 31, 2008** Docket: **RSW920070455US1/IBMSP006** Title: **COMPUTER PROGRAM PRODUCT FOR DISPLAYING MULTIPLE ROW LAYOUTS IN A TABLE**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on **March 31, 2008** to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees that the dependent claims will be grouped together with and not to separately argue the patentability of any independent claim from which they depend during any appeal in the application;

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions I. 1-4 & II. 1-4, 5, 5.1, 6, 6.1, 6.4 & 6.6 above are considered to have been met. However, the petition fails to comply with conditions II. 5.2, 5.3, 6.2, 6.3 & 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items 5.2 & 5.3 above, the preexam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the claim. Note, the provision of the identified search logic provided to locate the references cited in the instant petition does not meet this requirement, in particular, based upon the claimed subject matter of the instant application, a search in the following class and subclass (***classification search***) is necessary in order to provide full coverage of where the most pertinent references are most likely to be found: class 715/ (DATA PROCESSING: PRESENTATION PROCESSING OF DOCUMENT, OPERATOR INTERFACE PROCESSING, AND SCREEN SAVER DISPLAY PROCESSING) subclasses 212, 217, 218 and 227.

Regarding the "Database Searches," the "Search Logic" for each of the Database Services (i.e., Delphion, Dialog and Google) does not indicate the number of hits for each "search logic" statement. This makes it difficult to determine the sufficiency of the search. Applicant should redo the searches and indicate the number of hits for each "search logic" statement.

Also, the following "search logic" statements should be used in search each of the Database Services:

1 -- (table or spreadsheet or "spread sheet") and ((dynamic$ or float$ or shift$ or move or moved or moving) with (header or heading or label))

2 -- 1 and ((shrink$ or shrunk or reduce or reduced or reducing or dim or dimmed or dimming or shade or shaded or shading or "gray out" or "grayed out" or "graying out" or "black out" or "blacked out" or "blacking out") with (row or record))

The additional search recommendations were confirmed with and recommended by a (primary) examiner in the pertinent art area.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(2) and item 6.2 above, form PTO-1449 attached with the instant petition improperly cites a total of seven references however, the instant petition only specifically discusses three of those seven cited references. Petitioner is required to discuss all cited references deemed to be most closely related to the subject matter. However, applicant is PERMITTED to respond by splitting (re-citing on separate forms) the IDS and designating one as being (those references deemed to be) in support of the petition and one (as those references deemed to be) NOT in support. Petitioner should provide a detailed discussion of each current and/or any newly cited reference(s), identifying subject matter by way of figure, page, paragraph and line numbers, as appropriate, as they pertain to the instant claim limitations (claim 1) of the instant application. For this reason, the petition does not meet the requirement of MPEP § 708.02(a)(I.)(I)(2). Correction is required.

[1] MPEP 8th ed. rev 5 August 2006

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.3 above, "((3)The accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c)." As discussed above, as Petitioner has failed to properly identify all of the limitations in the claim that are disclosed by the references (see MPEP § 708.02(a)(I)(2) and item 6.2 above), therefore for this reason, the petition does not meet the requirement of MPEP §708.02(a)(I.)(I)(3). In addition, in the instant Petition, the document fails to provide a proper detailed explanation of how *the claim* is patentable over the cited references. The instant petition identifies the recitation "assign[ing] a column width to each cell in a row of the table ... " as recited in claim 1 as both "taught by" the reference to Peters and Leduc and that which the references "fail to at least teach or suggest". Clarification and correction is required.

With respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, Petitioner fails to identify where each limitation <u>of the</u> <u>instant</u> <u>claims</u> finds support under 35 USC 112, first paragraph, in the written description of the specification. Support for each limitation of each pending claim must be properly identified (by page, line or paragraph and/or figure). MPEP 2162 is reproduced below:

> **2162 Policy Underlying 35 U.S.C. 112, First Paragraph**
> To obtain a valid patent, a patent application must be filed that contains a full and clear disclosure of the invention in the manner prescribed by 35 U.S.C. 112, first paragraph.
> The requirement for an adequate disclosure ensures that the public receives something in return for the exclusionary rights that are granted to the inventor by a patent. The grant of a patent helps to foster and enhance the development and disclosure of new ideas and the advancement of scientific knowledge. Upon the grant of a patent in the U.S., information contained in the patent becomes a part of the information available to the public for further research and development, subject only to the patentee's right to exclude others during the life of the patent.
> In exchange for the patent rights granted, 35 U.S.C. 112, first paragraph, sets forth the minimum requirements for the quality and quantity of information that must be contained in the patent to justify the grant. As discussed in more detail below, the patentee must disclose in the patent sufficient information to put the public in possession of the invention and to enable those skilled in the art to make and use the invention. The applicant must not conceal from the public the best way of practicing the invention that was known to the patentee at the time of filing the patent application. Failure to fully comply with the disclosure requirements could result in the denial of a patent, or in a holding of invalidity of an issued patent.

The requirement of MPEP § 708.02(a)(I.)(I)(5) and item II. 6.5 above clearly states that the petitioner is required to **specifically identify corresponding elements in the figures** and **specifically identify where the corresponding <u>written description</u> in the cited portions of the instant specification** can find support under 35 U.S.C. § 112, first paragraph **for each limitation of claim 1**. Specifically, reference is made to Petitioner's ***general*** allegation that "Support in the disclosure under 35 USC 112, first paragraph is found at least in paragraph [0015] of the specification, ... and in Figure 1". A specific showing of support for ***each limitation of pending claim 1*** must be properly identified.

It is pointed out that the written description requirement has several policy objectives. The essential goal of the description of the invention requirement is to clearly convey the information

that an applicant has invented the subject matter which is claimed. Another objective is to put the examiner in possession of what the applicant claims as the invention – the written description requirement implements the principle that a patent application must describe the technology that is sought to be patented; the requirement serves both to satisfy the inventor's obligation to disclose the technologic knowledge upon which the application is based and to demonstrate that the applicants were in possession of the invention that is claimed. Further, the written description requirement promotes the progress of expedite examination by ensuring that applicants adequately describe their inventions in sufficient detail in their applications in exchange for the right to take-up out of order of examination. Thus, a general statement that all limitations of claim(s) can be found in a figure and pointing to the specification having a verbatim of the claim language cannot be accepted to satisfy such a requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above.

Thus, the petition does not meet the conditions II. 5.2, 5.3, 6.2, 6.3 & 6.5 above.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

Brian L. Johnson
Quality Assurance Specialist, WG 2110
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,189	03/31/2008	Jason Chester Garcowski	RSW920070455US1/IBMSP006	6139

67257 7590 11/17/2008
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EXAMINER
HONG, STEPHEN S

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
11/17/2008	PAPER

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In re Application of: Jason Chester Garcowski et al. Serial No.: 12/060189 Filed: March 31, 2008 Docket: RSW920070455US1/IBMSP006 Title: COMPUTER PROGRAM PRODUCT FOR DISPLAYING MULTIPLE ROW LAYOUTS IN A TABLE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on August 19, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on March 31, 2008 was dismissed in the decision mailed on July 23, 2008.

The petition to make the application special is GRANTED.

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

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

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

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

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

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

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

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

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

6. Information Disclosure Statement (IDS):

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

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

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to Kakali Chaki, Quality Assurance Specialist, at (571) 272-3719.

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,197	03/31/2008	Nai Yan Zhao	SVL920070165US1/IBMSP007	6152

67257 7590 12/15/2008
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EXAMINER
CHOW, DOON Y

ART UNIT	PAPER NUMBER
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In re Application of: Nai Yan Zhao Serial No.: 12/060,197 Filed: March 31, 2008 Docket: SVL920070165US1/IBMSP007 Title: METHOD FOR AUTOMATICALLY UPDATING GRAPHIC USER INTERFACE (GUI) OBJECTS	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 31, 2008 and the supplemental documents filed December 5, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

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

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

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

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

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

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

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

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

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

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

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719.

/Kakali Chaki/

Kakali Chaki
Quality Assurance Specialist
Technology Center 2100

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In re Application of:
CHEN, CHIENHO, et al.
Serial No.: 12/060,201
Filed: March 31, 2008

Title: **METHOD FOR SETTING A VALUE OF WAITING TIME FOR SWITCHING**

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

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

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

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

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

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

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

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

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

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

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

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

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2, 5.3, 6 and 6.3.

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

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search in the following class/ subclasses: 398/20.21, 28.

The Support Document only discusses two references whereas, the IDS includes additional cited references. All documents included with the IDS in support of a petition for accelerated examination must be discussed in the Support Document as applicable to item 6 above.

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient in section 9(C) because applicant has not provided a detailed explanation of how the claim is patentable over ***each*** of the references cited with particularity required by 37 CFR 1.111(b) and (c). Simply repeating the claim and stating that it patentably distinguishes over the reference is not is not with particularity as required by Rule 111.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.2 and 5.3 above, and the Preexamination Search Document must be amended to indicate such; and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

DECISION

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

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

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

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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In re Application of:
CHEN, CHIENHO, et al.
Serial No.: 12/060,201
Filed: March 31, 2008

Title: **METHOD FOR SETTING A VALUE OF WAITING TIME FOR SWITCHING**

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

This is a decision on the petition filed on May 19, 2008 requesting reconsideration that the above-identified application be made special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

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

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

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

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

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

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7. Post-Allowance Processing:

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

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

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

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

Kenneth A. Wieder
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,207	03/31/2008	Abraham Heifets	RSW920070426US1/IBMSP008	6166

67257 7590 12/09/2008
ZILKA-KOTAB, PC- IBMS
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EXAMINER
ZHEN, WEI Y

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MAIL DATE	DELIVERY MODE
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In re Application of: Abraham Heifets et al. Serial No.: 12/060,207 Filed: March 31, 2008 Docket: RSW920070426US1/IBMSP008 Title: METHOD FOR DYNAMICALLY STREAMING AN XSLT TRANSFORMATION	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 31, 2008 and the supplemental documents filed December 5, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

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

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

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

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

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

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

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

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

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

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

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

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

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

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

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

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

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

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719.

/Kakali Chaki/

Kakali Chaki
Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,217	03/31/2008	Samar Choudhary	RSW920070428US1/IBMSP009	6184

67257 7590 12/16/2008
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER

ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
12/16/2008	PAPER

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

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

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December 16, 2008

Dominic M. Kotab
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120

In re Application of: Samar Choudhary et al. Serial No.: 12/060217 Filed: 03/31/2008 Docket: RSW920070428US1/IBMSP009 Title: METHOD FOR GOAL BASED MODALITY	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petitions filed on March 31, 2008 and December 15, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

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

REGULATION AND PRACTICE

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

I. Conditions Regarding the Application:

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

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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

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

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

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

The preexamination search must:

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

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

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I1-I4, II1-II4, II5.1-II5.3, and II.6.1-II6.6 above are met. Therefore, the petition meets the required conditions to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

DECISION

For the above-stated reasons, the petition is **Granted**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

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   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

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   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply

within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

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To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

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To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

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   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,228	03/31/2008	Michael Karl Gschwind	YOR920070711US1/IBMSP001	6205

67257 7590 07/16/2008
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER
LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
2112	

MAIL DATE	DELIVERY MODE
07/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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July 15, 2008

ZILKA-KOTAB, PC- IBMS
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SAN JOSE CA 95172-1120

In re Application of: **GSCHWIND, Michael K** Serial No.: **12/060,228** Filed: **March 31, 2008** Docket: **YOR920070711US1/IBMSP001** Title: **METHOD FOR TIME-DELAYED DATA PROTECTION**	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees that the dependent claims will be grouped together with and not to separately argue the patentability of any independent claim from which they depend during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

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6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I. 1-4 & II. 1-5, 5.1, 6, 6.3 & 6.4 - 6.6 above are considered to have been met. However, the petition fails to comply with conditions II. 5.2, 5.3, 6.1 & 6.2 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Specifically and with respect to items 5.2-5.3 above, for classification searches, MPEP 719.05 states that a *classification search* is defined as a complete search of all the documents in a particular subclass, and it is not limited by any text query or other means. Petitioner should identify whether the text search logic identified in the instant petition was utilized in combination with the field of search or separate therefrom (i.e. state whether or not the identified subclasses were searched in their entirety). If they were combined, the specific search logic combination should be identified.

The following search areas should have been searched:
US Class **714** (ERROR DETECTION/CORRECTION AND FAULT DETECTION/RECOVERY), Subclasses **763-768, 778**;
US Class **365** (STATIC INFORMATION STORAGE AND RETRIEVAL), Subclasses **200-201**.

Finally, the following databases should have been included in the search documents:
IEEE
IP.COM

The additional search recommendations were confirmed with and recommended by a (primary) examiner in the pertinent art area.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(1) and item 6.1 above, the Information Disclosure Statement (IDS) must be in compliance with 37 CFR 1.98, which requires that "(b)(5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication." Documents R, S, and T listed in the IDS fail to comply with 37 CFR 1.98 in that, at least, the publication date is not provided.

With regard to the requirement of MPEP § 708.02(a)(I.)(I)(2) and item 6.2 above, "(2) <u>For each</u> reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference." In the instant case, the document fails to provide an identification of all the limitations in the claims that are disclosed by references C-H and R-S, namely 5,450,422 (Dell), 5,379,304 (Dell et al), 5,313,475 (Cromer et al), 7,143,332 (Trimberger), 5,987,627 (Rawlings, III), 6,701,484 (Jordan et al), "Error Correction Codes", and "ECC". However, Applicant is permitted to respond by splitting (re-citing on separate forms) the IDS and designating one as being (those references deemed to be) in support of the petition and one (those references deemed to be) NOT in support of the petition.

Thus, the petition does not meet the conditions II. 5.2, 5.3, 6.1 & 6.2 above.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given ***a single opportunity*** to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is permitted) from the date of this decision in order to be considered timely. Any request for reconsideration ***must fully address all of the deficiencies indicated above***. [emphasis added]

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

Brian L. Johnson
Quality Assurance Specialist, WG 2110
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,228	03/31/2008	Michael Karl Gschwind	YOR920070711US1/IBMSP001	6205

67257 7590 09/30/2008
ZILKA-KOTAB, PC- IBMS
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SAN JOSE, CA 95172-1120

EXAMINER
LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
2112	

MAIL DATE	DELIVERY MODE
09/30/2008	PAPER

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09/29/2008

ZILKA-KOTAB, PC-IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

In re Application of: Michael Karl GSCHWIND Serial No.: 12/060,228 Filed: March 31, 2008 Docket: YOR920070711US1/IBMSP001 Title: METHOD FOR TIME-DELAYED DATA PROTECTION	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on August 14, 2008 to make the above- identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on March 31, 2008 was dismissed in the decision mailed on July 16, 2008.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

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8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

Brian Johnson, WQAS 2110
Technology Center 2100
Computer Architecture, Software and Information Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,238	03/31/2008	Yaakov Yaari	IL920080026US1	6221

47939 7590 09/16/2008
CONNOLLY BOVE LODGE & HUTZ LLP
(FOR IBM YORKTOWN)
P.O. BOX 2207
WILMINGTON, DE 19899-2207

EXAMINER
DAM, TUAN QUANG

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
09/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Alexandria, VA 22313-1450
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Mr. John Paik-IBM - Yorktown
c/o Connolly, Bove, Lodge, & Hutz LLP
P.O. Box 2207
Wilmington, DE 19899-2207

In re Application of:
Yaakov YAARI, et al.
Application No. 12/060238
Attorney Docket Number: IL920080026US1
Filed: March 31, 2008
For: METHOD AND SYSTEM FOR DETECTING RUNTIME DEFECTS IN A PROGRAM BY COMPARING CORRECT AND INCORRECT RUNS

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02

This is a decision on the Petition To Make Special under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, filed on March 31, 2008.

The petition is **DISMISSED**.

I. M.P.E.P. § 708.02(VIII) sets forth the prerequisites for a grantable Petition for Accelerated Examination under 37 C.F.R. § 1.102(d) and states in relevant part:

> A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:
>
> (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR § 1.17(h);
>
> (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
>
> (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
>
> (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
>
> **(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR §§ 1.111 (b) and (c), how the claimed subject matter is patentable over the references.**

The Petition is deficient with respect to M.P.E.P. § 708.02, Section VIII(e) (as bolded supra).

As set forth in requirement (e), Petitioner must provide a "detailed discussion of the references, which discussion points out, with the particularly requirement by 37 CFR § 1.111(b) and (c), how the claimed subject matter is patentable over the references." 37 CFR § 1.111(b) requires that the discussion of prior art references presents "arguments pointing out the specific distinctions believed to render the claims . . . patentable over any applied references," while 37 CFR § 1.111(c) states that "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section."

A. In the petition section labeled "9(C). Detailed Explanation of Patentability," Petitioner fails to adequately discuss "specific distinctions" between the prior art and the claimed invention as set forth in the preceding paragraph. Instead, Petitioner relies on the general allegation that the prior art "fail to at least teach or suggest" the claim limitations. This discussion is deficient in both scope and breadth as each claim limitation must be compared to the each piece of prior art, pointing out both the **similarities** and **differences** between the claimed invention and said prior art. It is unclear from Petitioner's discussion of its claimed point of novelty – step "e" – what exactly distinguishes the invention over both the KOTHARI and WITCHEL patents. Additionally, the features of claims 2-3 need to be explained as to how they are patentable separately or how the features are taught by the 2 cited references. The petition is thus deficient with respect to the requirements of 37 CFR § 1.111(c).

II. M.P.E.P. § 708.02(a)(I) sets forth the requirements for granting accelerated examination status under 37 C.F.R. § 1.102(c)(2) and states in relevant part:

A new application may be granted accelerated examination status under the following conditions:

(H) **At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.**

(1) **This preexamination search must involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated source and includes such a justification with this statement.**

(2) This preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

(3) **The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (see item I) will be treated as not fully responsive and will not be entered. See subsection IV below for more information.**

(4) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements for a preexamination search.

(5) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. See 37 CFR 1.56 and 10.18.

(I) **At the time of filing, applicant must provide in support of the petition an accelerated examination support document.**

(1) An accelerated examination support document must include an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims.

(2) For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

(3) The accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).

(4) The accelerated examination support document must include a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application).

(5) **The accelerated examination support document must include a showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the specification. If applicable, the showing must also identify:**

(i) each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, paragraph 6; and

(ii) the structure, material, or acts in the specification that correspond to each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, paragraph 6. If the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.

(6) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c).

The Petition is deficient with respect to M.P.E.P. § 708.02(a)(I) and § 708.02(a)(H) (as bolded supra).

A. Regarding the requirement of MPEP § 708.02(a)(H)(3), the text search query reported by the Petitioner fails for its lack of depth and breadth to cover all of the concepts the claims recite. The text search query fails for lack of inclusion of applicable terms, and their synonyms, as used in the claims of the invention. These include, without limitation: **runtime**, **defect**, **updated program**, **original program**, **free**, **predecessor**, **tree stru**cture, **call/caller/callee**, **routines**, **hierarchy levels**, **path**, **traversing**, **tracing**, **computing device**, **memory**, **register**, **breaking**, **register states**, **indicate**, **compiler**, **address**, **variable**, **symbol table**, **maps**, **value**, **position-independent offset**, **predefined**, and **condition**.

Additionally, the text search query fails to use many common synonyms which may reveal applicable prior art. For example: Petitioner uses the term **relative** while failing to include the terms **comparative** and **proportional**; **debug** and **debugging** while failing to include the terms **error checking**, **software testing**, **code analysis**, and **exception handling**; **control flow graph** and **CFG** while failing to include the terms **representation graph**, **flow chart**, and **control flow analysis**; **parallel** and **concurrent** while failing to include the terms **corresponding**, **matching**, and **congruent**; **different** while failing to include the term **dissimilar**; **multiple** while failing to include the terms **numerous** and **various**; **version** while failing to include the terms **edition** and **update**; **node** while failing to include the term **point**; **graph** while failing to include the terms **chart**, **diagram**, and **table**.

Please note that the above listed terms and synonyms are not meant to be an exhaustive list, merely an example of various terms and synonyms that can be used to produce a more comprehensive prior art search. Nor is this objection limited to only those sets of search terms listed; each search term used should be evaluated for applicable synonyms. Additionally, searches utilizing other databases should be modified to include the abovementioned terms and synonyms.

B. Regarding the requirement of MPEP § 708.02(a)(I), the pre-exam search must be directed to the (instant) claimed invention. Based upon the subject matter of this Petition, a search in the following additional class and/or subclasses should be included in order to provide full coverage of where the most pertinent references are most likely to be found:

<u>U.S. Field of Search:</u>
717/129
717/132

It is also unclear whether Petitioner searched the subclasses in classes 348, 386, 398, and 725 with the requisite particularity to uncover relevant prior art. A more directed search.in the listed areas would be.appropriate to uncover relevant prior art.

Again, the aforementioned additional classes and/or sub-classes are not meant as an exhaustive list, merely a representative listing of applicable search areas which have not been included in the Petitioner's pre-exam search. It is incumbent on the Petitioner to evaluate all applicable classes and/or sub-classes for pertinent prior art.

D. Regarding the requirement of MPEP § 708.02(a)(I)(5) above, Petitioner's Accelerated Examination Support Document only identifies Figures 1 & 2 and specification Pages 4-8 of the instant specification as providing support for the sole independent claim. The requirement of MPEP § 708.02(a)(I)(5) states that the petitioner is required to specifically identify "where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the specification." The petition is deficient in this respect. A general statement noting that the claim features are interspersed over 4 specification pages and two figures is not specific enough to satisfy this requirement. A clarification and identification of support is required.

Because the petition fails to satisfy all of the criteria set forth above, the petition to make special is **DISMISSED**.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

A second point of contact is Kim Huynh, QAS at (571)-272-4147.

Tod Swann
Technology Center 2100
Computer Architecture, Software, and
Information Security 571-272-3612

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,238	03/31/2008	Yaakov Yaari	IL920080026US1	6221

47939 7590 12/12/2008
CONNOLLY BOVE LODGE & HUTZ LLP
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EXAMINER
DAM, TUAN QUANG

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
12/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Mr. John Paik-IBM - Yorktown
c/o Connolly, Bove, Lodge, & Hutz LLP
P.O. Box 2207
Wilmington, DE 19899-2207

In re Application of:
Yaakov YAARI, et al.
Application No. 12/060238
Attorney Docket Number: IL920080026US1
Filed: March 31, 2008
For: METHOD AND SYSTEM FOR DETECTING RUNTIME DEFECTS IN A PROGRAM BY COMPARING CORRECT AND INCORRECT RUNS

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02

This is a decision on the renewed petition filed on October 16, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on March 31, 2008 was dismissed in the decision mailed on September 16, 2008.

The renew petition to make the application special is **GRANTED** as the new Support Document meets the requirements dealing with 112 1st paragraph support and the new Search Document meets the requirements of conditions dealing with searching the claimed invention that were deficient in the original petition.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323) as the original identified deficiencies for failing to comply with the requirements for the pre-examination search encompassing all of the features of the claims, and giving the claims the broadest reasonable interpretation, the statement of patentability must provide a detailed explanation of how each of the claims are patentable and the concise statement of the utility must be of the invention as defined in each of the independent claims (reference must be made to independent claims 1, 14 and 20) have been corrected.

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. . Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of contact is WQAS Kim Huynh at (571) 272-4147.

Tod R Swann
Quality Assurance Specialist
Technology Center 2400

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CARPENTER & ASSOCIATES
5 PIPESTEM COURT
ROCKVILLE MD 20854

In re Application of:
IORFIDA, DARIO, et al
Serial No.: 12/060,253
Filed: March 31, 2008

Title: **METHOD AND SYSTEM FOR INTELLIGENT KEYBOARD ILLUMINATION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on March 31, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2 and 5.3.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: Search should have additionally included class 400/711. Regarding the database search, the search should have included the search logic:

(keyboard keypad) and (key near4 (illuminat$4 highlight$3 lite light$3) same (indicat$5 identif$6 select$5))

Logic in above line and (predict$6 near2 key)

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.2 and 5.3 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

United States Patent and Trademark Office

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CARPENTER & ASSOCIATES
5 PIPESTEM COURT
ROCKVILLE MD 20854

In re Application of:
IORFIDA, DARIO et al,
Serial No.: 12/060,253
Filed: March 31, 2008

Title: **METHOD AND SYSTEM FOR INTELLIGENT KEYBOARD ILLUMINATION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on June 01, 2008 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed May 01, 2008 have been met.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election

without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/060,260	03/31/2008	Ohad Shacham	IL920070137US1	6268

75749 7590 04/10/2008
MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
POTOMAC, MD 20854

EXAMINER

ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
04/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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042008

MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
POTOMAC, MD 20854

APR - 9 2008

In re Application of: Ohad Shacham et al. Serial No.: 12/060,260 Filed: March 31, 2008 Docket Number: IL920070137US1 Title: APPLYING CNF SIMPLIFICATION TECHNIQUES FOR SAT-BASED ABSTRACTION REFINEMENT	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102

This is a decision on the petition filed on March 31, 2008, to make the above-identified application special for accelerated examination procedure in accordance with 37 C.F.R. § 1.102(c)(2).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to M.P.E.P. §708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to M.P.E.P. §812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, the application retains its special status after the filing of an RCE.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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MAILED

OCT 29 2008

TECHNOLOGY CENTER 2100

DOSTER GREENE , LLC
#215
2 WISCONSIN CIRCLE SUITE 700
CHEVY CHASE MD 20815

In re Application of:
Stefano BORGHETTI, et al.
Application No. 12/060,269
Filed: April 01, 2008
Docket: FR920080005US1
For: THREAD BASED VIEW AND ARCHIVE FOR SIMPLE MAIL TRANSFER PROTOCOL (SMTP) CLIENTS DEVICES AND METHODS

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02

This is a decision on petition filed on April 01, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an

interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

If attempts to reach the undersigned by telephone are unsuccessful, Tod Swann, Quality Assurance Specialist, can be reached at (571) 272-3612.

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist
Technology Center 2400
Computer Architecture, Software and Information Security

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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.
12/060,269	04/01/2008	Stefano Borghetti	FR920080005US1	6291

72025 7590 10/30/2008
DOSTER GREENE , LLC
#215
2 WISCONSIN CIRCLE SUITE 700
CHEVY CHASE, MD 20815

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
10/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ROBERT M. MCDERMOTT, ESQ.
1824 FEDERAL FARM ROAD
MONTROSS VA 22520

COPY MAILED
MAR 22 2010

In re Application of	:	
Malloy et al.	:	
Application No. 12/060,271	:	ON PETITION
Filed: April 1, 2008	:	
Attorney Docket No. OP-070509	:	

This is a decision on the petition under 37 CFR 1.182, filed January 12, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Patrick J. Malloy
2. Alain J. Cohen
3. Steven Niemczyk
4. Russell Mark Elsner

A Corrected Filing Receipt reflecting the above changes is enclosed.

This matter is now being referred to Technology Center AU 2454 to await examination.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: 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
12/060,271	04/01/2008	2454	1530	OP-070509	30	3

CONFIRMATION NO. 6296

CORRECTED FILING RECEIPT

58547
ROBERT M. MCDERMOTT, ESQ.
1824 FEDERAL FARM ROAD
MONTROSS, VA 22520

OC000000040719237

Date Mailed: 03/22/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Patrick J. Malloy, Washington, DC;
Alain J. Cohen, McLean, VA;
Steven NIEMCZYK, San Francisco, CA;
Russell Mark Elsner, Bethesda, MD;

Power of Attorney:
Robert McDermott--41508

Domestic Priority data as claimed by applicant
This appln claims benefit of 60/916,842 05/09/2007

Foreign Applications

If Required, Foreign Filing License Granted: 04/21/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/060,271**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

NETWORK DELAY ANALYSIS INCLUDING PARALLEL DELAY EFFECTS

Preliminary Class

709

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,278	04/01/2008	Aharon Abadi	20140-00398-US1	6311

30678 7590 11/03/2008
CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20006

EXAMINER
VINCENT, DAVID ROBERT

ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
11/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

In re Application of:
Aharon Abadi
Serial No.: 12/060278
Filed: April 1, 2008
Docket: 20140-00398-US1

Title: AUTOMATED MANY-SORTED THEOREM PROVER

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 1, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention;
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it is a utility application filed under 37 CFR 1.111(a) and was not complete. The Notice to File Corrected Application papers April 11, 2008 is evidence that the application was not complete and in condition for examination at the time of filing.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719. If attempts to reach the undersigned are unsuccessful, Mano Padmanabhan., Quality Assurance Specialist can be reached at (571) 272-4210.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist

Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,339	04/01/2008	Daniel W. Cervantes	AUS920080007US1	6443

59401 7590 07/16/2008
CANTOR COLBURN LLP - IBM AUSTIN
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
2112	

MAIL DATE	DELIVERY MODE
07/16/2008	PAPER

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July 15, 2008

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

In re Application of: **CERVANTES et al.** Serial No.: **12/060,339** Filed: **April 01, 2008** Docket: **AUS920080007US1** Title: **SYSTEM AND METHOD TO REDUCE LBIST MANUFACTURING TEST TIME OF INTEGRATED CIRCUITS**	:: :: : ::	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on **April 01, 2008** to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees that the dependent claims will be grouped together with and not to separately argue the patentability of any independent claim from which they depend during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I. 1-4, 5, & II. 1-4, 6.1, 6.2, 6.3, 6.4 - 6.6 above are considered to have been met. However, the petition fails to comply with conditions II. 5.1 - 5.3 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Specifically and with respect to items II. 5.1 above, for classification searches, MPEP 719.05 states that a *classification search* is defined as a complete search of all the documents in a particular subclass, and it is not limited by any text query or other means. Petitioner should identify whether the text search logic identified in the instant petition was utilized in combination with the field of search or separate therefrom (i.e. state whether or not the identified subclasses were searched in their entirety). If they were combined, the specific search logic combination should be identified.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items 5.2 - 5.3 above, the preexam search must be directed to the (instant) claimed invention and encompass all of the disclosed features of the (instant) claims. The search logic does not seem to include the inventive concept or features included in the claim language and identified by Petitioner in the detailed explanation of patentability of the claims over the cited references. The search should consider individual features, combination of features as well as synonyms. The search should also cover the broadest scope encompassed by the claims. Based upon the claimed subject matter of the instant application, the following supplemental suggested search is presented:

Test seeds

Seeds bulk

Locally accessible memory

Memory or storage array and (integrated or logic or printed) circuit or IC

Locally or local accessible, access, accessing

Control information

LBIST control information

Shift registers

Parallel shift registers

Defects, faults, errors, malfunction

Bit streams

Random bit streams

The following search areas should have been searched:
US Class 714 (ERROR DETECTION/CORRECTION AND FAULT DETECTION/RECOVERY) Subclass 739;

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[1] MPEP 8th ed. rev 5 August 2006

US Class 257 (ACTIVE SOLID-STATE DEVICES (E.G., TRANSISTORS, SOLID-STATE DIODES) Subclass 48;
US Class 438 SEMICONDUCTOR DEVICE MANUFACTURING: PROCESS Subclasses 11, 14, and 18.

Finally, the following databases should have been included in the search documents:
IEEE
INSPEC
IP.COM

The additional search recommendations were confirmed with and recommended by an (primary) examiner in the pertinent art area.

Thus, the petition does not meet the conditions II. 5.1 - 5.3 above.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given ***a single opportunity*** to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is permitted) from the date of this decision in order to be considered timely. Any request for reconsideration ***must fully address all of the deficiencies indicated above***. [emphasis added]

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

Brian L. Johnson
Quality Assurance Specialist, WG 2110
Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,339	04/01/2008	Daniel W. Cervantes	AUS920080007US1	6443

59401 7590 10/02/2008
CANTOR COLBURN LLP - IBM AUSTIN
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
2112	

NOTIFICATION DATE	DELIVERY MODE
10/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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09/30/2008

CANTOR COLBURN LLP – IBM AUSTIN
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

In re Application of: CERVANTES, et al.
Serial No.: 12/060,339
Filed: April 1, 2008
Docket: AUS920080007US1

Title: SYSTEM AND METHOD TO REDUCE LBIST MANUFACTURING TEST TIME OF INTEGRATED CIRCUITS

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on August 14, 2008 to make the above- identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on April 1, 2008 was dismissed in the decision mailed on July 16, 2008.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

Brian Johnson, WQAS 2110
Technology Center 2100
Computer Architecture, Software and Information Security

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Johan NILSSON	:	
Application No. 12/060,358	:	DECISION ON PETITION
Filed: April 1, 2008	:	
Attorney Docket No. P13872-US4	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 23, 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 24, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $1620; 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 appropriate action in the normal course of business on the reply received January 30, 2009.

Thurman Page
Petitions Examiner
Office of Petitions

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Markus KLAUSNER	: DECISION ON REQUEST FOR
Patent Number	: 7630834	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/060,381	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **16** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,382	04/01/2008	Brian S. Randall	C245 1150.3	6524

26158 7590 07/28/2008
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA, GA 30357-0037

EXAMINER

ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
07/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA GA 30357-0037

In re Application of: Brian S. Randall et al. Serial No.: 12/060382 Filed: April 01, 2008 Docket: C245 1150.3 Title: FLOOR VAOVERING CONTAINING POLYVINYL BUTYRAL AND METHOD OF MAKING THE SAME	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 1, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention;
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it is a utility application filed under 37 CFR 1.111(a) and was not complete Notice of File missing parts of nonprovisional Application on April 23, 2008 is evidence that the application was not complete and in condition for examination at the time of filing.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719. If attempts to reach the undersigned are unsuccessful, Mano Padmanabhan., Quality Assurance Specialist can be reached at (571)272-4210.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist

Technology Center 2100

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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE CA 92614-2558

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JAN 05 2009

OFFICE OF PETITIONS

In re Application of	:	
GONZALEZ et al.	:	
Application No. 12/060,435	:	DECISION ON PETITION
Filed: April 1, 2008	:	
Attorney Docket No. 910893.4003	:	

This is a decision on the "PETITION AND REPLY IN RESPONSE TO NOTICE OF INCOMPLETE REPLY," filed August 19, 2008.[1]

On April 1, 2008, applicants filed the above-identified application. On April 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 April 1, 2008, and advising applicants that Figure(s) 9, 10, 11, 12 and 13 described in the specification appeared to have been omitted. Additionally, the Notice stated that an oath or declaration was missing. The Notice to File Missing Part of Nonprovisional Application set an extendable period of two months from the mail date to submit the omitted items.

On June 23, 2008, applicants submitted 17 sheets of replacement drawings, an executed declaration, and surcharge. On July 8, 2008, the Office mailed a Notice of Incomplete Reply, advising applicants that the Office had entered the reply of June 23, 2008; however, the reply was incomplete. The Notice of Incomplete Reply stated that the period for reply remained as set forth in the Notice to File Missing Parts of Nonprovisional Application.

Applicants state that Figure(s) 9, 10, 11, 12 and 13 were inadvertently omitted from the present application as originally filed. Applicants request that Figure(s) 9, 10, 11, 12 and 13 be added to the

[1] An extension of time for response within the second month and a $230.00 fee is necessary to avoid abandonment of the application. Unfortunately, the Office mistakenly charged the Deposit Account $820.00 for a four month extension of time. The Office apologizes for the error and will refund the difference of $590.00 ($820.00 - $230.00).

present application. Applicants submit that the present application, as originally filed, contains a claim under 37 CFR 1.78 for the benefit of the prior-filed provisional application. Further, applicants assert that omitted Figure(s) 9, 10, 11, 12 and 13 are completely contained in the prior-filed provisional application.

As stated in MPEP 201.17(I):

> 37 CFR 1.57(a) provides that, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim for priority or benefit shall be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawings.

Therefore, if a continuation, divisional, or continuation-in-part application, as originally filed on or after September 21, 2004, does not include an explicit incorporation by reference statement in the specification, and is entitled to a filing date despite the inadvertent omission of a portion of the prior application(s), an applicant may be permitted to add the omitted material by filing an amendment under 37 CFR 1.57(a) within the time period set by the Office. See 37 CFR 1.57(a)(1) and MPEP 201.06(c)(IV).

A review of the record indicates that the above-identified application as originally filed on April 1, 2008, which was entitled to a filing date, did not include an explicit incorporation by reference statement in the specification. Nevertheless, the first line of the specification on filing states: "This patent application claims the benefit of provisional U.S. Patent Application Serial No. 60/921,956, entitled Systems and Methods to Exchange Patient Information to Set Up and Trigger Healthcare Alerts, and filed on April 5, 2007." As applicants submitted a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional application on the filing date of the present application, applicants may file an amendment in compliance with 37 CFR 1.57(a) with the examiner, prior to the first action on the merits, to include Figure(s) 9, 10, 11, 12 and 13 located in the Application No. 60/921,956 without the need for a petition. Accordingly, the present petition is unnecessary to effectuate applicants' request, and therefore, is dismissed.

In view of the fact that the petition was not necessitated by an error on the part of this Office, the $400.00 fee for filing the present petition will not be refunded.

Applicants should file an amendment to add the inadvertently omitted drawing figures for consideration by the examiner.

The application is being referred to the Office of Patent Application Processing for processing of the application with a filing date of April 1, 2008, using only the drawings filed on that date. Thereafter, the matter will be referred to an examiner in the Technology Center to review any preliminary amendment.

Anthony Knight
Supervisor
Office of Petitions

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MAY 01 2008
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis MN 55402-1609

In re Application of:
GOLDBERG, ITZHACK, et al.
Serial No.: 12/060,448
Filed: April 01, 2008

Title: **SYSTEM AND METHOD FOR SENDING INFORMATION BETWEEN USERS WITH A TELEPHONIC DEVICE WHILE A CALL IS IN PROGRESS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 01, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. items 5.2, 5.3, 6.2, 6.3, and 6.5.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: The US field of search and database searches which are to be provided under section 8(A) are not sufficient. In addition to the search areas provided, applicant would also need to search the following class/subclass: 379/386 which includes tone decoder. Also critical key terms, for example 'pause' and 'elapse', have not been used in the search logic.

Regarding the requirement in items 6.2 and 6.3 above, petitioner does not provide an identification of claimed limitations and/or a detailed explanation of patentability of the claim ***with respect to each reference*** cited in the IDS in support of the Accelerated Examination Support Document. Petitioner has only identified claim limitations and also argued the patentability of the claim in regard to two of the five cited references in the IDS filed with the accelerated examination support document (US 2007/0232286 and US 2008/0045265). The Accelerated Examination Support Document does not provide an identification of claimed limitations and/or a detailed explanation of patentability of the claim with respect to the three cited references KR006129760, KR2005104519, and KR2003030102 *Therefore, any request for reconsideration must provide a detailed explanation in regard to the claim with respect to the other three cited references as set forth in items 6.2 and 6.3 above.*

Regarding the requirement in item 6.5 above, the "Accelerated Examination Support Document", is deficient because section 9(F) fails to include a showing of where ***each limitation of the claim*** finds support under the first paragraph of 35 USC 112 in the written description of the instant specification. Petitioner provides a broad statement that support is shown for the claim and identifies paragraphs [0008], [0010-0011], and 0015-0019] of the specification without providing any indication of a showing where each specific claim limitation finds support in the written description of the specification for the claim. Clarification is required.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.2 and 5.3 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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JUN 2 4 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis MN 55402-1609

In re Application of:
GOLDBERG, ITZHACK et al,
Serial No.: 12/060,448
Filed: April 01, 2008

Title: **SYSTEM AND METHOD FOR SENDING INFORMATION BETWEEN USERS WITH A TELEPHONIC DEVICE WHILE A CALL IS IN PROGRESS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 30, 2008 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed May 01, 2008 have been met.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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VEDDER PRICE P.C.
222 N. LASALLE STREET
CHICAGO, IL 60601

Mail Date: 04/26/2010

Applicant	: Paul Chang	: DECISION ON REQUEST FOR
Patent Number	: 7591619	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/060,460	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/01/2008	: ISSUE CERTIFICATE OF CORRECTION

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON, AZ 85718

Mail Date: 04/20/2010

Applicant	: Kuo-Hung Wu	: DECISION ON REQUEST FOR
Patent Number	: 7626429	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/060,483	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

Mail Date: 04/21/2010

Applicant	: Yingda Dong	: DECISION ON REQUEST FOR
Patent Number	: 7577026	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/060,487	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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King & Spalding
1180 Peachtree St.
Atlanta, GA 30309

JUN 17 2008

In re Application of: Anthony D. Polson et al. Serial No.: 12/060,488 Filed: April 1, 2008 Docket Number: 05456.105075 (BUR920080005US1) Title: DESIGN STRUCTURE FOR MONITORING CROSS CHIP DELAY VARIATION ON A SEMICONDUCTOR DEVICE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on April 1, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:
1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth in I. 1-4 and II. 1-4 are considered to have been met. However, the petition fails to comply with the all the conditions set forth in II. 5 (specifically II. 5.2 and 5.3)

and II. 6 (specifically II. 6.5). Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding conditions II. 5.2 and 5.3, the given logic search does not give the claim its broadest reasonable interpretation, it does not encompass all the features of the present claim and it does not encompass disclosed features that may be claimed later. The following search has been recommended by the examiner: class 716/subclass 6 (where the application has been classified) and class 714/subclasses 726, 729, 731, 732, 735 and 736.

Regarding condition II. 6.5, a showing of where ***each*** claim limitation finds support under ***35 USC 112, first paragraph***, in the written description of the specification is required. The statement that support for the entire claim "is found at least in paragraphs 0013-0019, 0022 and 0024-0026 of the specification, as well as in FIGS. 2 through 6" is not specific enough. It must be indicated exactly where in the written description of the specification the support for ***each*** individual claim limitation can be found in the specification. This showing basically requires a copying of the claim, listing reference numbers for each claimed element and an indication where in the written description of the specification the claimed limitation is discussed.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,488	04/01/2008	Anthony D. Polson	BUR920080005US1 (105075)	6712

78148 7590 08/28/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
WHITMORE, STACY

ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
08/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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In re Application of:	:	
Anthony D. Polson et al.	:	
Serial No.: 12/060,488	:	DECISION ON RENEWED
Filed: April 1, 2008	:	PETITION TO MAKE SPECIAL
Docket Number: 05456.105075 (BUR920080005US1)	:	UNDER 37 C.F.R. § 1.102
Title: DESIGN STRUCTURE FOR MONITORING	:	& M.P.E.P. § 708.2
CROSS CHIP DELAY VARIATION ON A	:	
SEMICONDUCTOR DEVICE	:	

This is a decision on the renewed petition filed on July 18, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d).

The renewed petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any

other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

AUG 13 2009

OBLON, SPIVAK, MCCLELLAND MAIER &
NEUSTADT, LLP
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re application of	:	DECISION ON REQUEST TO
Akira Matsuda	:	PARTICIPATE IN PATENT
Application No. 12/060,519	:	PROSECUTION HIGHWAY
Filed: April 1, 2008	:	PROGRAM AND PETITION
For: VEHICLE NAVIGATION APPARATUS	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 12, 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).

In light of the preliminary amendment filed August 12, 2009, the petition and request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

It is noted that the Electronic Patent Application Fee Transmittal dated August 12, 2009 indicates that a "processing fee, except for Provis. apps" (fee code 1808) was paid August 12, 2009. The required petition fee under 37 CFR 1.17(h) has not been received. However, since the required petition fee under 37 CFR 1.17(h) is also $130, this "processing fee" has been accepted as the required petition fee.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 8/12/09

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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NEUSTEL LAW OFFICES, LTD.
2534 SOUTH UNIVERSITY DRIVE
SUITE 4
FARGO, ND 58103

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JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Gene P. Duffy	:	
Application No. 12/060,575	:	DECISION ON PETITION
Filed: April 1, 2008	:	TO WITHDRAW
Attorney Docket No. 921.01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 4, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Neustel Law Offices, Ltd. has been revoked by the applicant of the patent application on May 12, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Law Office of Gerald D. Haynes**
2 North Oakdale Avenue
Medford, OR 97501

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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RISSMAN JOBSE HENDRICKS & OLIVERIO, LLP
100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114

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SEP 25 2008

In re Application of	:
Dorna Hakimi-Mehr et al.	:
Application No. 12/060,604	: DECISION ACCORDING STATUS
Filed: April 1, 2008	: UNDER 37 CFR 1.47(a)
Attorney Docket No. M006-7019US1	:

This is in response to the petition filed August 25, 2008 under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **DISMISSED**.

The above-identified application was filed on April 1, 2008 without an executed oath or declaration. Accordingly, on April 21, 2008, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

The fee for a petition under 37 CFR 1.47(a) is set at $200.00. The petition refers to a petition fee in the amount of $100 though no such fee accompanied the petition. Therefore, since the fee was not submitted with the petition and since no deposit account has been authorized, this petition cannot be treated on the merits and will not receive any consideration until such time as the petition fee has been submitted.

The application will be retained in the Office of Petitions for two months after which time if the fees have not been submitted, the application will be forwarded to the Office of Patent Application Processing and the proceedings terminated. A request for reconsideration with the appropriate fees 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 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RISSMAN JOBSE HENDRICKS & OLIVERIO, LLP
100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114

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OCT 27 2008

In re Application of	:
Dorna Hakimi-Mehr et al.	:
Application No. 12/060,604	: DECISION ACCORDING STATUS
Filed: April 1, 2008	: UNDER 37 CFR 1.47(a)
Attorney Docket No. M006-7019US1	:

This is in response to the request for reconsideration filed September 30, 2008 under 37 CFR 1.47(a)[1].

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on April 1, 2008 without an executed oath or declaration. Accordingly, on April 21, 2008, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, a petition under 37 CFR 1.47(a) filed with a two month extension of time request and a certificate of mail date of August 21, 2008 was filed arguing that joint inventor Quanzu Yang refused to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application. The petition was dismissed in a decision mailed September 25, 2008 because the required petition fees were not included with the petition.

Comes now with the instant request for reconsideration.

The petition bears proof that the application papers, including the oath or declaration, was personally presented to Mr. Yang but that after his review, he has expressly refused to execute them.

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[1]A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

BERESKIN AND PARR
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

In re Application of	:	
Harry R. Major et al.	:	
Application No. 12/060,621	:	DECISION ON PETITION
Filing Date: April 1, 2008	:	PURSUANT TO
Attorney Docket No.: 13210-785/KL	:	37 C.F.R. § 1.78(A)(6)
Title: INFORMATION BROWSER SYSTEM AND METHOD FOR A WIRELESS COMMUNICATION DEVICE	:	

This is a decision on the petition filed on October 8, 2008, pursuant to 37 C.F.R. § 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment to the specification.

Petitioner has further amended the first line of the specification to recite the relationship of the National Stage to the International Application.[1]

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1 The inclusion of this recitation, while not improper, is not required. See section CX1 of the Frequently Asked Questions portion of the section of the Office's website that pertains to Eighteen-Month Publication (which can be viewed here: http://www.uspto.gov/web/offices/dcom/olia/aipa/18monthfaq.htm#cx), which sets

The petition pursuant to 37 C.F.R. § 1.78(a)(3) is **DISMISSED**.

A petition under 37 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 C.F.R. § 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

37 C.F.R. § 1.78(a)(6)(iii) requires a statement that the entire delay between the date the claim was due under paragraph (a)(5)(ii) of this section and the date the claim was filed was unintentional. Since the statement contained in this renewed petition varies slightly from the language required by 37 C.F.R. § 1.78(a)(6)(iii), the statement contained in this petition is being construed as the statement required by 37 C.F.R.

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forth, *in toto*: "When the National Stage of an International Application is entered as to the United States, should the first line of the specification be amended to recite the relationship of the National Stage to the International Application and/or should the language of publication of the International Application by the International Bureau be set forth? (Renumbered from C8)

Neither the relationship of a National Stage application to the International Application, nor the language of publication by the International Bureau should be set forth in the first line of the specification of the National Stage application. An International Application is not a prior application as to the National Stage (they are legally the same application), therefore amended 37 CFR 1.78(a)(2) does not apply."

§ 1.78(a)(6)(iii), and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has included the reference to the prior-filed provisional application, the surcharge, and a statement that is being construed as the proper statement of unintentional delay.

Petitioner has met requirements (2) and (3), in that both the surcharge and a statement that is being construed as the proper statement of unintentional delay have been provided.

Regarding the first requirement above, a review of the intermediate non-provisional application (application number 10/451,715) reveals that it did not properly claim the benefit of the prior-filed provisional application (application number 60/257,428). Section 1893.03(c)(III) of the MPEP sets forth, *in pertinent part*:

> In order for a national stage application (of international application "X") to obtain benefit under 35 U.S.C. 119(e) of a prior U.S. provisional application, the national stage application must comply with the requirements set forth in 37 CFR 1.78(a)(4) through 37 CFR 1.78(a)(6). Public Law 106-113 amended 35 U.S.C. 119(e) to eliminate the copendency requirement for a nonprovisional application claiming benefit of a provisional application. 35 U.S.C. 119(e)(2) as amended became effective on November 29, 1999 and applies to provisional applications filed on or after June 8, 1995. 37 CFR 1.78(a)(4) requires that the prior provisional application must be entitled to a filing date as set forth in 37 CFR 1.53(c), and the basic filing fee set forth in 37 CFR 1.16(d) must be paid on the provisional application within the time period set forth in 37 CFR 1.53(g). Additionally, the provisional application must name as an inventor at least one inventor named in the later filed international application "X" and disclose the named inventor's invention claimed in at least one claim of the national stage application in the manner provided by the first paragraph of 35 U.S.C. 112. **The national stage application must contain a reference to the provisional application (either in an application data sheet (37 CFR 1.76) or in the first sentence(s) of the specification), identifying it as a provisional application, and including the provisional application number (series code and serial number)** (emphasis added). The required reference to the earlier provisional application must be submitted within the time period provided by 37 CFR 1.78(a)(5)(ii).

A review of intermediate application number 10/415,715 reveals that the required reference to the earlier provisional

application was not submitted during the pendency of this application, nor was a petition pursuant to 37 C.F.R. § 1.78(a)(6) submitted. Without correction, the 10/451,715 application issued as patent number 7,389,361 on June 17, 2008.

This petition is not grantable due to the fact that the intermediate application did not include a benefit claim to the provisional application. A proper benefit claim to a chain of prior applications must include proper references to each prior application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must have been made in each intermediate application in the chain of prior applications. See MPEP § 201.11. In other words, it is not sufficient to simply include specific references as to all prior applications. All references must be proper. A benefit claim to a chain of prior applications will only be effective if each prior application actually includes a proper benefit claim. See also Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. 119(e), 120, 121, and 365(c), 1268 OG 89 (March 18, 2003).

If reconsideration of this decision is desired, a renewed petition pursuant to 37 C.F.R. § 1.78(a)(6) is required.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.78(a)(6)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[2] hand-delivery,[3] or facsimile.[4] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[5]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the deciding official.

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[6]

Anthony Knight
Supervisor
Office of Petitions

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.

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

BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.
40 KING STREET WEST
BOX 401
TORONTO, ON M5H 3Y2
CANADA

Mail Date: 04/21/2010

Applicant	: Harry R. Major	: DECISION ON REQUEST FOR
Patent Number	: 7596631	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/060,621	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/01/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Alfred F. Hoyte, Esq.
Suite 500
1101 30th Street, N.W.
Washington DC 20005

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JUL 21 2008

In re Application of	:	
Howard T. Pankey	:	
Application No. 12/060,623	:	DECISION ON PETITION
Filed: April 1, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. April 1, 2008	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 1, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement 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 3671 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Herbert Snoop

Application No. 12060638

Filed:

Attorney Docket No. 570/1/001

: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 01-APR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
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	12060638	Confirmation Number	7003	Filing Date	2008-04-01
Attorney Docket Number (optional)	570/1/001	Art Unit		Examiner	
First Named Inventor	Herbert Snoop				
Title of Invention	Device for Attaching a Fishing Line to a Fly and/or a Hook				

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
Herbert		Snoop	

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	/Richard M. Goldberg/	Date (YYYY-MM-DD)	2008-04-01
Name	Richard M. Goldberg	Registration Number	28215

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,716	04/01/2008	William H. Eby	1421-334	7155

32905 7590 10/02/2009
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
COLLINS, CYNTHIA E

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
10/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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OCT 0 2 2009

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	:
Serial No.: 12/060,716	: PETITION DECISION
Filed: April 1, 2008	:
Attorney Docket No.: **1421-334**	

This is in response to the petition under 37 CFR § 1.59(b), filed September 24, 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 September 24, 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

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

In re Application of	:	
CHOI, Kai-Wai Alexander et al.	:	
Application No. 12/060,722	:	DECISION ON PETITION
Filed: April 01, 2008	:	TO WITHDRAW
Attorney Docket No. **ELLC:002US/10804640**	:	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 30, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Micahale R. Krawzsenek on behalf of all attorneys of record who are associated with customer No. 32425. All attorneys/agents associated with the Customer Number 32425 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee

(e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Petitions Examiner
Office of Petitions

cc: **DAU-WAI ALEXANDER CHOI**
6732 WEST CHESTER
HOUSTON TX 77005

cc: **1 POWER SOLUTIONS, INC.**
10366 HENEY CREEK PLACE
CUPERTINO CA 95014

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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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KELLOGG BROWN & ROOT LLC
ATTN: Christian Heausler
4100 Clinton Drive
HOUSTON TX 77020

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OFFICE OF PETITIONS

In re Application of
Petersson, et al.
Application No. 12/060,727
Filed: April 1, 2008
Attorney Docket No. 08-10

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed July 21, 2008.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(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 fails to satisfy requirement (1) set forth above.

Petitioners assert that "[d]ue to this direct conflict of interest between GVA Consultants AB, Mr. Robert Ludwigson, and his new employer, it should be declared that Mr. Robert Ludwigson is not available for signature in accordance with 37 CFR §1.47."

Thus, 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.

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.

Petitioners are advised that the fact that an application may contain proprietary information does not relieve the Rule 47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration.

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 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.

Petitioners are directed to MPEP 409.03 which sets forth the requirements of a grantable Rule 47 petition.

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
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

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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KELLOGG BROWN & ROOT LLC
ATTN: Christian Heausler
4100 Clinton Drive
HOUSTON TX 77020

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In re Application of	:	
Petersson, et al.	:	DECISION NOTING JOINDER OF
Application No. 12/060,727	:	INVENTOR AND PETITION
Filed: April 1, 2008	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 08-10	:	

Papers filed on October 21, 2008 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed September 2, 2008, included a Declaration signed by a previously non-signing inventor in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE CA 92618-3731

In re Application of	:	
KIRIHARA, SATOSHI et al	:	DECISION ON REQUEST TO
Application No. 12/060,737	:	PARTICIPATE IN PATENT
Filed: April 01, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 10045574US01	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 28, 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

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

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BRACEWELL & GIULIANI LLP
711 LOUISIANA STREET
SUITE 2300
HOUSTON TX 77002-2770

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OFFICE OF PETITIONS

In re Application of	:	
Jensen, et al.	:	
Application No.: 12/060,744	:	DECISION
Filing Date: 1 April, 2008	:	
Attorney Docket No. T2008002	:	

This is a decision on the petition filed on 25 June, 2008, under 37 C.F.R. §1.47.

The petition under 37 C.F.R. §1.47 is **GRANTED**.

Petitioner has shown that the non-signing inventor has failed and, thus, 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 C.F.R. §1.47(a). This application is hereby accorded Rule 1.47(a) status.

The record reflects that: Petitioner demonstrates that the entire application—description, claims, abstract and drawings—was sent to and received at the last known residence address the non-signing inventor, Kenneth C. Jensen (Mr. Jensen) and that the non-signing inventor has since failed and, thus, constructively refused to join in the filing of the above-identified application.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88

CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **granted**.

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENNETH C. JENSEN
#53 CANAL COURT
ROCKY VIEW
ALBERTA
CANADA T1X 0H5

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OFFICE OF PETITIONS

In re Application of	:	
Jensen, et al.	:	
Application No.: 12/060,744	:	COMMUNICATION
Filing Date: 1 April, 2008	:	
Attorney Docket No. T2008002	:	

Dear Kenneth C. Jensen:

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 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 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 the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Telephone inquiries regarding this communication 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[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 action(s) Moreover, the Office cannot neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of PetitionS

Counsel of Record:
BRACEWELL & GIULIANI LLP
711 LOUISIANA STREET
SUITE 2300
HOUSTON TX 77002-2770

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,769	04/01/2008	Kevin R. Gibson	025902-007610US	7293

20350 7590 08/21/2008
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
08/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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CST

8/21/08

In re application of
Kevin R. Gibson et al
Serial No. 12/060,769
Filed: April 1, 2008
For: SOLAR CELL STRUCTURE INCLUDING A PLURALITY OF CONCENTRATOR ELEMENTS WITH A NOTCH DESIGN AND PREDETERMINED RADII AND METHOD

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on August 8, 2008 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the petition to make special under the accelerated examination

program was not filed on the same day as the application. Note that the application was filed on April 1, 2008, while the petition to make special was filed on August 8, 2008. Additionally, note the Frequently Asked Questions concerning the Accelerated Examination Program posted on www.uspto.gov, particularly the question and answer reproduced below:

EC 13. Can an application already on file participate in the accelerated examination program?
o The accelerated examination program requires that the petition to make special be filed on the same day as the application. *See* MPEP §708.02(a). An applicant with an application already on file may enter the accelerated examination program by filing a continuation application meeting all the requirements of the accelerated examination program. Applicant should ensure that the claims in the continuation application and its parent application are not identical to avoid a statutory double patenting rejection unless the parent application is abandoned after the filing of the continuation application.
o Under the accelerated examination program, applicant cannot file any preliminary amendment upon filing of the application. Specifically, the continuation application must include the new set of claims (without any amendment) and the specification must include the benefit claim in the first sentence (without any amendment) or in an application data sheet (37 CFR §1.76). For example, if the parent application included claims 1-30, the old claim set must be replaced with a new claim set and the benefit claim is submitted in an application data sheet (37 CFR §1.76).

Furthermore, the application, at the time of filing, was not complete and in condition for examination. Note, specifically, the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed on April 21, 2008, which indicates that the application was not in condition for examination at the time of filing.

MPEP 708.02(a), section VIII further states:

> The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (subsection II above) does not apply to applications that are not in condition for examination on filing.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: YASUE et al.
Application No. 12/060,772
Filed: April 1, 2008
For: PREFETCHING APPARATUS, PREFETCHING METHOD AND PREFETCHING PROGRAM PRODUCT

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 25, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4/14/10 Paper No.: —

TO SPE OF : ART UNIT 2819

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/060776 Patent No.: 7459935 B1

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes do not apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

/Don Mu Le/ 7/4/2010

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

MAILED

JUL 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Magers, Michael	:	DECISION ON PETITION
Application No. 12/060,790	:	TO WITHDRAW
Filed: April 1, 2008	:	FROM RECORD
Attorney Docket No. 107004	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 3, 2009.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were not appointed via Customer Number. Therefore, requesting to withdraw via Customer Number is not the appropriate course.

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.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, 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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Innovation Experts LLC
19935 Cliffrose Drive
Bend, OR 97702

In re Application of Aaron Ayers

Application No. 12/060,813
Filed: April 1, 2008
Attorney Docket No.

: DECISION GRANTING PETITION
: TO REMAIL AN OFFICE
: COMMUNICATION AND RESTART
: PERIOD FOR REPLY

This is a decision on the petition filed on July 23, 2008, requesting that the Office communication mailed on April 21, 2008 be remailed and the shortened statutory period for reply set forth in the Office communication be restarted on the new mail date.

The petition is granted.

Petitioner provided a statement that the Office communication in question was never received by the applicant. It is clear from the Office records that the Office communication was not mailed to the applicant because no correspondence address was available in the application file. The applicant states that he contacted the Office on several occasions to inquire about the application. A review of the official file record supports this. A correspondence address was filed with the Office on June 25, 2008 as the result of due diligence by the applicant.

Accordingly, the Office communication in question will be remailed and the period for reply that was originally set forth in the Office communication will be restarted to run from the new mail date of the Office communication.

Janice Tippett
Office of Patent Processing Systems
(703) 308-9210 x 109

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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GREENBERG TRAURIG, LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

MAILED

APR 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Robert F. McClanahan, et. al.	:	
Application No. 12/060,820	:	DECISION ON PETITION
Filed: April 1, 2008	:	TO WITHDRAW FROM
Attorney Docket No. 108576-010200	:	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 January 21, 2010.

The request is **APPROVED**.

The request was signed by Franklin D. Ubell on behalf of himself and all attorneys/agents associated with Customer Number 33717. Therefore, Franklin D. Ubell and all the attorneys/agents associated with Customer Number 33717have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

All future communications from the Office will be directed to the first named signing inventor at the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Robert F. McClanahan
27781 Sequoia Glen Drive
Valencia, CA 91354

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
12/060,820	04/01/2008	Robert F. McClanahan	108576-010200

CONFIRMATION NO. 7396

POWER OF ATTORNEY NOTICE

33717
GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

OC000000040945538

Date Mailed: 04/02/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/21/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Leander F. Aulisio
320 23rd Street S. #705
Arlington, VA 22202

JUN 17 2008

In re Application of:	:	
Thomas M. Shaw et al.	:	DECISION ON PETITION TO
Serial No.: 12/060,937	:	MAKE SPECIAL FOR NEW
Filed: April 2, 2008	:	APPLICATION UNDER 37
Attorney Docket No.: YOR920070740US1	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
Title: CRACK TRAPPING AND ARREST	:	
IN THIN FILM STRUCTURES	:	

This is a decision on the petition filed on April 2, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions of I. 1-4 and II. 1-5 above are considered to have been met. However, the petition fails to comply with all the conditions set forth in II. 6 (specifically II 6.1, 6.2, 6.3 and 6.5) above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding conditions II. 6.1, 6.2 and 6.3, for each reference cited in the information disclosure statement (IDS) of the accelerated examination support document (AESD), the AESD must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The AESD must also include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).

In the present IDS, applicant apparently only deems that 3 U.S. patents and 5 U.S Patent Applications, of the 19 U.S. Patents and 10 U.S. Patent Application Publications cited on the IDS, are references most closely related to the subject matter of the claims. The other references cited on the IDS are apparently not deemed as references most closely related to subject matter of the claims. These other references should not have been cited on the same IDS as the references deemed most closely related to the subject matter of the claims.

If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR 1.97 and 1.98. See the Frequently Asked Question on the Accelerated Examination website http:www.uspto.gov/web/patents/accelerated/. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and similarly, applicant should clearly identify the separate IDS that is not in support of the petition. If references are cited of the IDS of the AESD, they must satisfy all the requirements set forth above in conditions II. 6.1, 6.2 and 6.3.

Further regarding condition II. 6.2, an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference is required. The listing of some non-claimed limitations or a general description of the invention in the reference is not sufficient. The limitations referred to in II. 6.2 are claim limitations. It should be specified what claim limitations of the application are met by the reference and where the claimed limitations are disclosed in the reference, as well as which claim limitations are not met by the reference.

Regarding condition II. 6.5, a showing of where ***each*** claim limitation finds support under ***35 USC 112, first paragraph***, in the written description of the specification is required. The statement that support, presumably for the entire claim, "is found at least in paragraphs [0019], [0022], [0024] and [0025] of the present application" is not specific enough. It must be indicated exactly where in the written description of the specification the support under 35 USC 112, first paragraph for ***each*** individual claim limitation can be found in the specification. A duplication

of the entire claim or a general description of the invention in the specification is not sufficient to provide ***35 USC 112, first paragraph*** support. This showing basically requires a copying of the claim, listing reference numbers for each claimed element and an indication where in the written description of the specification the claimed limitation is discussed in relation to the drawings.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,937	04/02/2008	Thomas M. Shaw	YOR920070740US1	7614

76301 7590 08/28/2008
Leander F. Aulisio
320 23rd Street S. #705
Arlington, VA 22202

EXAMINER

ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
08/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Leander F. Aulisio
320 23rd Street S. #705
Arlington, VA 22202

In re Application of:	:	
Thomas M. Shaw et al.	:	DECISION ON RENEWED
Serial No.: 12/060,937	:	PETITION TO MAKE SPECIAL
Filed: April 2, 2008	:	UNDER 37 C.F.R. § 1.102
Attorney Docket No.: YOR920070740US1	:	& M.P.E.P. § 708.2
Title: CRACK TRAPPING AND ARREST	:	
IN THIN FILM STRUCTURES	:	

This is a decision on the renewed petition filed on July 16, 2008 together with the corrected IDS for AESD (Information Disclosure Statement for Accelerated Examination Support Document) filed on August 25, 2008. The petition is to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d).

The renewed petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any

other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,950	04/02/2008	MICHAEL BRUCE MCLAUGHLIN	MNG 001 P2	7639

51579 7590 05/11/2010
MATTHEW R. JENKINS, ESQ.
1205 MANATEE AVENUE WEST
BRADENTON, FL 34205

EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
05/11/2010	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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MATTHEW R. JENKINS, ESQ.
1205 Manatee Avenue West
Bradenton FL 34205

In re Application of:
MCLAUGHLIN, Michael et al.
Application No. 12/060,950
Filed: April 2, 2008
For: SYSTEM AND METHOD FOR DISPLAYING INFORMATION ABOUT SUBNETS

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on April 9, 2008 requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 1-19 and 30 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 1-19 and 30. However, the specification does not contain the required notification described above.

Accordingly, the petition is **DISMISSED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100
(571) 272-1732

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/060,950	04/02/2008	MICHAEL BRUCE MCLAUGHLIN	MNG 001 P2	7639

51579 7590 06/25/2010
MATTHEW R. JENKINS, ESQ.
1205 MANATEE AVENUE WEST
BRADENTON, FL 34205

EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
06/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MATTHEW R. JENKINS, ESQ.
1205 Manatee Avenue West
Bradenton FL 34205

In re Application of:
MCLAUGHLIN, Michael et al.
Application No. 12/060,950
Filed: April 2, 2008
For: **SYSTEM AND METHOD FOR DISPLAYING INFORMATION ABOUT SUBNETS**

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the request for reconsideration of petition under 37 C.F.R. § 1.84(a)(2), filed on May 25, 2010 requesting acceptance of color drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings. Additionally, the amendment filed May 25, 2010 contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

PTO/SB/21 (01-08)
Approved for use through 06/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	12/061,059
Filing Date	April 2, 2008
First Named Inventor	Vincent E. Bryan, Jr., et al.
Art Unit	1661
Examiner Name	Not Yet Assigned
Attorney Docket Number	20063.200235 -

ENCLOSURES *(Check all that apply)*

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [x] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [x] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):

Remarks

Response to Notice to File Missing Parts and executed Declaration; Submission of Replacement Drawings and Drawings; Petition to Make Special and Statements of V. Bryan, Jr. and A. Kunzler; and Third IDS

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Hughes Socol Piers Resnick & Dym Ltd.		
Signature	Todd S. Parkhurst		
Printed name	Todd S. Parkhurst, Esq.		
Date	June 11, 2008	Reg. No.	26,494

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Not Applicable		
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. 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 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Todd S. Parkhurst, Esq.
Hughes Socol Piers Resnick &
Dym Ltd.
Suite 4000
70 West Madison Street
Chicago, IL 60602

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JUL 18 2008

In re Application of	:	
Vincent E. Bryan, Jr. et al.	:	
Application No. 12/061,059	:	DECISION ON PETITION
Filed: April 2, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 20063.200235	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 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 declarations by applicants Vincent E. Bryan, Jr. and Alex E. Kunzler. 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.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 1661 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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JUN 0 8 2009

OFFICE OF PETITIONS

KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH, SUITE 210
WOODBURY NY 11797

In re Application of	:	
Debanjan Saha et al.	:	
Application No. 12/061,096	:	DECISION ON PETITION
Filed: April 2, 2008	:	
Attorney Docket No. YOR920050302US2	:	
163-94CON		

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed January 9, 2009, to revive the above-identified application.

The petition is **DISMISSED.**

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C.§ 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed April 21, 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 22, 2008.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

Petitioner asserts that the Notice was mailed to the wrong correspondence address and thus petitioner never received the Notice. Petitioner notes that the application was filed with a

corrected Customer Number which was associated with the new address. The application also included a specific correspondence address which was the old incorrect address. The Notice was mailed to the old address. Petitioner references MPEP § 403 which indicates that when there is an inconsistency between a correspondence address and an address associated with a Customer Number, the inconsistency will be resolved in favor of the address of the Customer Number. This is the basis of Petitioner's argument supporting unavoidable abandonment.

A review of the file shows that the only paper giving a correspondence address was the Declaration and Power of Attorney, filed with the application on April 2, 2009. The bottom of the first page of this declaration sets forth the power of attorney to the attorneys associated with Customer Number 49267. The top of page 2 sets forth a specific correspondence address of

KEUSEY, TUTUNJIAN & BITETTO, P.C.
SUITE 128
14 VANDERVENTER AVENUE
PORT WASHINGTON, NY 11050

The address associated with the above noted Customer Number is

KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH, SUITE 210
WOODBURY, NY 11797

No other papers filed with the application set forth any correspondence address, power of attorney or Customer Number.

Petitioner's arguments are not convincing of unavoidable delay within the meaning of 37 CFR 1.137(a). As noted by petitioner, MPEP § 403 covers procedure for determining correspondence address. Petitioner takes the position that two correspondence addresses were specified in the application as filed, the address associated with the Customer Number and the address specifically set forth as the correspondence address. However, the MPEP makes it clear that the Customer Number can be used to establish different designations such as attorney, correspondence address and fee address.

MPEP § 403 states in part:

I. CUSTOMER NUMBER PRACTICE

A Customer Number (previously a "Payor Number") may be used to:

(A) designate the correspondence address of a patent application or patent such that the correspondence address for the patent application or patent would be the address associated with the Customer Number (37 CFR 1.32(a)(5)(i));

(B) designate the fee address (37 CFR 1.363) of a patent such that the fee

address for the patent would be the address associated with the Customer Number (37 CFR 1.32(a)(5)(ii)); and
(C) submit a list of practitioners such that those practitioners associated with the Customer Number would have power of attorney (37 CFR 1.32(a)(5)(iii)).

Thus, a Customer Number may be used to designate the address associated with the Customer Number as the correspondence address of an application (or patent) or the fee address of a patent, and may also be used to submit a power of attorney in the application (or patent) to the registered practitioners associated with the Customer Number.

Applicant may use either the same or different customer number(s) for the correspondence address, the fee address and/or a list of practitioners.

The Customer Number has many designated functions and the above language from the MPEP makes it clear that the Customer Number can used to specify a single designation, such as just setting forth the power of attorney. In the instant application, the bottom of page 1 of the declaration clearly states "POWER OF ATTORNEY" and sets forth the appointment of attorneys and/or agents to prosecute the application as those associated with Customer Number 49267. There is no indication of any correspondence address associated with that Customer Number. This statement clearly establishes only the power of attorney and does this by reference to a Customer number. At the top of page 2 of the declaration is a clear statement of correspondence address as established by "Send Correspondence to." Therefore, there is no inconsistency between correspondence addresses as there is only one correspondence address provided.

Petitioner's showing of unavoidable delay in responding to the Notice is not convincing. Only one correspondence address was indicated at the time of filing of the instant application and the Notice was mailed to that address. If the correspondence address indicated on the declaration was not the proper address then petitioner should have filed the appropriate papers to establish the correct correspondence address. It is noted the instant application is a continuation of Application No. 11/350,687. A review of that file shows that applicant filed a Utility Patent Application Transmittal form which specified that the correspondence address is the address associated with Customer Number 49267, which was the address petitioner indicates is the correct correspondence address for the instant application. Petitioner failed to provide a transmittal letter with Application No. 12/061,096 and thus did not establish the correct correspondence address in this application. A delay caused by the failure on the part of petitioner, or petitioner's representative, to provide the U.S. Patent and Trademark Office with a current correspondence address does not constitute an unavoidable delay. See Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995). For this reason, the petition is **dismissed**.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1,620 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

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KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 CROSSWAYS PARK NORTH, SUITE 210
WOODBURY NY 11797

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JUL 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Debanjan Saha et al.	:	
Application No. 12/061,096	:	ON PETITION
Filed: April 2, 2008	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed April 21, 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 27 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on June 22, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a substitute specification; (2) the petition fee of $1,620; and (3) the required statement of unintentional delay have been received. Accordingly, the substitute specification is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

The application file is being referred to the Office of Patent Application processing

Carl Friedman
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Debanjan Saha et al	:	
Application No. 12/061,096	:	DECISION ON REQUEST FOR REFUND
Filed: April 2, 2008	:	
Attorney Docket No. YOR920050302US2	:	
163-94CON	:	

This is a decision on the Request For Refund filed, July 30, 2009.

The request is **GRANTED**.

Applicant states that the petition to revive fee submitted on June 17, 2009, was inadvertently charged to an incorrect Account No. 50-0510. Applicant now request that the petition to revive fee submitted on June 17, 2009, be charged to Account No. 50-1433 and that the petition fee charged to Account No. 50-0510 on June 17, 2009 be refunded.

As requested, the $1,620.00 fee for the petition filed June 17, 2009 to Deposit Account 50-0510 has been refunded. The petition to revive fee will now be charged to Deposit Account No. 50-1433 as authorized.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON NY 11743

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Friedrich Karrer et al.
Application No. 12/061,101
Filed: April 2, 2008
Attorney Docket No: **4393**

This is a decision on the petition under 37 CFR 1.137(b),[1] filed February 4, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on June 24, 2008, for failure to timely reply to the Notice to File Missing Parts, mailed April 22, 2008, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed December 29, 2008.

The filing of the response to Notice to File Missing Parts mailed February 4, 2009 is acknowledged.

All other requirements having been met ,the application is being forwarded 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

---

[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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,142	04/02/2008	Thorsten Siodla	10356/00012	7974

23380 7590 12/10/2009
TUCKER ELLIS & WEST LLP
1150 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND, OH 44115-1414

EXAMINER
GITLIN, MATTHEW J

ART UNIT	PAPER NUMBER
3635	

NOTIFICATION DATE	DELIVERY MODE
12/10/2009	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):

patents@tuckerellis.com

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TUCKER ELLIS & WEST LLP
1150 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND OH 44115-1414

Applicant: Siodla et al.
Appl. No.: 12/061,142
Filing Date: April 2, 2008
Title: INSULATING STRIP FOR SUPPORTING A COMPOSITE STRUCTURE
Attorney Docket No.: 10356/00012
Pub. No.: US 2008/0256893 A1
Pub. Date: October 23, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on September 1, 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 to review the filing receipt mailed July 15, 2008. The error that the applicant wishes to correct in the patent application publication is also present in the filing receipt. The applicant should file a request for corrected filing receipt to correct this error.

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: 12/10/2009 KKING1
09/02/2009 INTEFSW 00003584 12061142
02 FC:1504 -300.00 OP

Refund Ref:
12/10/2009 0030077645

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX1009

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 05/06/2010

Applicant	: Satoru Adachi	: DECISION ON REQUEST FOR
Patent Number	: 7619198	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/061,148	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/02/2008	: ISSUE CERTIFICATE OF CORRECTION

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **122** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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EMERSON, THOMSON & BENNETT, LLC
777 W. MARKET STREET
AKRON OH 44303

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MAY 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Steven FEIT	:	
Application No. 12/061,207	:	DECISION ON PETITION
Filed: April 02, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 30515.41667	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 02, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

37 CFR 1.78(a)(5)(i) Any nonprovisional application claiming the benefit of one or more prior-filed provisional applications must contain or be amended to contain a reference to each such prior-filed provisional application, identifying it by the provisional application number (consisting of series code and serial number). An example of a proper benefit claim is: "This application Claims Priority of Application No. 60/---, filed---."

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)) 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
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 Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,240	04/02/2008	Hans-Juergen Eickelmann	DE920080022US1 (3031)	8120

78290 7590 12/05/2008
Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1609

EXAMINER
GAFFIN, JEFFREY A

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
12/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Robert M. Hirning
OPPENHEIMER, WOLFF & DONNELLY LLP
45 South Seventh Street, Suite 3300
Minneapolis, Minnesota 55402

In re Application of: Hans-Juergen EICKELMANN Serial No.: 12/061,240 Filed: April 02, 2008 Attorney Docket: 23559-3031 Title: SEARCH ENGINE TO IMPROVE PRODUCT RECALL TRACEABILITY ACTIVITIES	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on April 02, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,240	04/02/2008	Hans-Juergen Eickelmann	DE920080022US1 (3031)	8120

78290 7590 02/04/2009
Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1609

EXAMINER
SAEED, USMAAN

ART UNIT	PAPER NUMBER
2166	

MAIL DATE	DELIVERY MODE
02/04/2009	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.

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 12/061,240	Applicant(s) EICKELMANN ET AL.
	Examiner USMAAN SAEED	Art Unit 2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 30 December 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other _____.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: _____.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

   Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

   Failure to timely respond to this notice will result in:
   Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
   Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Usmaan Saeed/ Examiner, Art Unit 2166	/Hosain T Alam/ Supervisory Patent Examiner, Art Unit 2166

Continuation of 5 Other: The present claim amendments do not include the pre-examination search or an updated accelerated examination support document. Appropriate correction is required.

For any amendments to the claims, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

Mohammad Ali

SPE 2169c

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DUANE MORRIS LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

COPY MAILED

AUG 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Long, et al.	:	
Application No. 12/061,330	:	DECISION REFUSING STATUS
Filed: April 2, 2008	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. E2450-00011	:	

This is in response to the petition under 37 CFR 1.47(a), filed July 22, 2008.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort **or** refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Rule 47 applicant has not met requirement (1) above.

Rule 47 applicant has not demonstrated diligent effort in finding non-signing inventor Dennis J. Long. With respect to showing diligent effort, "an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made."[1] Here, petitioner simply states that "Long cannot be reached after diligent effort due to illness". Petitioner has presented no additional information, such as whether the application papers were forwarded to the last known address of Long.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

[1] MPEP 409.03(d).

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ADE & COMPANY INC.
2157 Henderson Highway
WINNIPEG MB R2G1P-9
CANADA

COPY MAILED
DEC 15 2008

In re Application of	:	
Mark Siren	:	
Application No. 12/061,412	:	Decision Refusing to Accord
Filed: April 2, 2008	:	Status Under 37 CFR 1.47(b)
Attorney Docket No. 83504-302 RWD	:	
For: Firelog Tray	:	

This is in response to the petition under 37 CFR 1.47(b)[1] filed July 24, 2008.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the current non-signing inventor(s).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
(2) an acceptable oath or declaration;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest; and
(6) proof of irreparable damage.

The petition lacks items (1), (2), (4), (5), and (6).

[1] 37 CFR 1.47(a) is only available where at least one inventor has signed the oath or declaration. Since the sole inventor has not executed the application papers, the petition is appropriately treated under 37 CFR 1.47(b).

As to item (1), a statement of relevant facts must be made by a party with first-hand knowledge. The petition references actions taken by the assignee without any statement from the assignee. Therefore, a statement should be provided by the assignee.

As to item (2), an acceptable oath or declaration has not been filed. In fact, no oath or declaration has been filed. An oath or declaration complying with the requirements set forth in MPEP 409.03(b) must be filed. MPEP 409.03(b) states,

> [A]n application deposited pursuant to 37 CFR 1.47(b) must meet the following requirements:
>
> (A) The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 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 (4), a statement of the inventor's last known address is not included within the petition.

As to item (5), the petition fails to identify the assignee or establish the assignee has sufficient proprietary interest in the subject matter to justify the filing of the application. In requesting reconsideration, acceptable forms of proof may include:

(a) a copy of an employment agreement between the non-signing inventor and the Rule 47(b) applicant (company) which covers the invention,
(b) a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 47(b) applicant, or
(c) a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.

As to item (6), Rule 47 applicant has failed to provide proof of irreparable damage (see MPEP 409.03(g)). A statement by Rule 47 applicant that the filing is necessary to preserve the rights of the parties would be sufficient.

The petition also cannot be granted because the application is currently abandoned since an oath or declaration was not submitted in response to the Notice of Missing Parts mailed April 24, 2008

35 USC 111(a)(4) sets forth that, as here, when an applicant receives notice to file an oath or declaration, but does not supply the missing oath or declaration, the application becomes abandoned by operation of the law. The mere filing of a petition under 37 CFR 1.47 does not change this result. A petition under 37 CFR 1.47 *requires an oath or declaration as a component of the petition.* See 37 CFR 1.47. Accordingly, the mere filing of the petition under 37 CFR 1.47, in reply to the Notice, was not a proper reply to the Notice. Rather, in the instance where all of the named inventors will not sign a declaration, a proper reply to the Notice consists of **both** a petition under 37 CFR 1.47, and an oath or declaration.

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 (an oath or declaration), 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 blank petition under 37 CFR 1.137(b) form is enclosed for petitioner's convenience. A PDF "fillable" version of the form 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

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

Attachments: Form PTO/SB/64 (Petition Under 37 CFR 1.137(b))
Privacy Act Notice

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ADE & COMPANY INC.
2157 Henderson Highway
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CANADA

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MAR 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Mark Siren	:	Decision Reviving Application and
Application No. 12/061,412	:	Decision Noting Joinder of Inventor and
Filed: April 2, 2008	:	Decision Dismissing Any Request for
Attorney Docket No. 83504-302 RWD	:	Status Under 37 CFR 1.47 as Moot
For: Firelog Tray	:	

This is a decision in response to the "Petition for Revival ... Under 37 CFR 1.137(b)" and to the "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" filed February 17, 2009.

The petition under 37 CFR 1.137(b) is **granted**.

The petition under 37 CFR 1.47(b) is **dismissed as moot**.

The Petition Under 37 CFR 1.137(b)

The Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice) on April 24, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. The Notice required the submission of an oath or declaration.

A petition under 37 CFR 1.47 and payment for a request for a one-month extension of time were filed on July 24, 2008. The paper filed July 24, 2008, did not include a signed or an unsigned oath or declaration.

Since neither an oath nor a declaration was filed July 24, 2008, and no further extensions of time were obtained, the application became abandoned on July 25, 2008.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) the reply required to the outstanding Office action or notice, unless previously filed,

(2) the petition fee,

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the Notice of Missing Parts in the form of a declaration signed by the sole inventor. 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 Petition Under 37 CFR 1.47(b)

The petition filed February 17, 2009, includes a declaration signed by the previously non-signing inventor in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under Rule 1.47(b) is unnecessary and dismissed as moot.

Conclusion

The Office of Patent Application Processing will be informed:
(1) The application has been revived,
(2) A declaration signed by the inventor has been filed.

Thereafter, the Office of Patent Application Processing take steps to prepare the application for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PRTSI, Inc.
4661 Carisbrooke Ln
Fairfax, VA 22030

JUN 25 2008

In re Application of: Brian N. Caldwell et al. Serial No.: 12/061,439 Filed: April 2, 2008 Docket Number: BUR920070231US1 Title: METHOD OF COMPENSATING FOR DEFECTIVE PATTERN GENERATION DATA IN A VARIABLE SHAPED ELECTRON BEAM SYSTEM	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on April 2, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:
1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth in I. 1-4 and II. 1-5 are considered to have been met. However, the petition fails to comply with the all the conditions set forth in II. 6 above, specifically conditions

II 6.2 and 6.3. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding condition II. 6.2, an identification of all the limitations in the claim that are disclosed by the reference specifying where the limitation is disclosed in the cited reference is required. The listing of some non-claimed limitations in the reference is not sufficient. The limitations referred to in II. 6.2 are claim limitations. It should be specified what ***claim limitations*** of the application are met by the reference ***and where the claim limitations are disclosed in the reference***, as well as which claim limitations are not met by the reference.

Regarding conditions II. 6.3, a detailed explanation of how the claim is patentable over the references cited is required. The examination support document states that "none of the references teach or suggest the identification of individual exposure shots of an exposure tool nor the use of toggling or modulating exposure of individual shots where defects are known." However, there is no claim limitation as to "the use of toggling or modulating exposure of individual shots where defects are known." All is the claim states is "controlling a set of one or more exposure shots . . ." The actual claim limitation is much broader than at least one of the reasons given for patentability. As to "the identification of individual exposure shots", it appears this has been done before since in section 9(B) of the examination support document, it is indicated specifically that references 1) and 5) fail to teach or suggest this limitation but a similar indication is not made for reference 2), 3) and 4) .

The examination support document when discussing the cited references also cites limitations that are not found in the respective references. However, as above, the cited limitation is often also not found in applicant's claim. For example, when discussing the Ottens et al. reference (US 7,250,237), it states that "Ottens et al. fails to teach or suggest toggling or modulating exposure dosage by shot location." However, besides not claiming toggling or modulating exposure dosage, the claim does not specify the control of a set of one or more exposure shots based upon shot location. For both of conditions II. 6.2 and 6.3, the examination support document should limit itself to actual claim limitations.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petition is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal

of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,439	04/02/2008	Brian N. Caldwell	BUR920070231US1	8490

76055 7590 08/28/2008
PRTSI, INC
4661 CARISBROOKE LN
FAIRFAX, VA 22030

EXAMINER

ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
08/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PRTSI, Inc.
4661 Carisbrooke Ln
Fairfax, VA 22030

In re Application of: Brian N. Caldwell et al. Serial No.: 12/061,439 Filed: April 2, 2008 Docket Number: BUR920070231US1 Title: METHOD OF COMPENSATING FOR DEFECTIVE PATTERN GENERATION DATA IN A VARIABLE SHAPED ELECTRON BEAM SYSTEM	DECISION ON RENEWED PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the renewed petition filed on July 25, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d).

The renewed petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any

other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1638.

Edward Westin

Edward Westin, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,446	04/02/2008	William H. Eby	1421-335	8508

32905 7590 06/18/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
WORLEY, CATHY KINGDON

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
06/18/2010	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):

JondleOA@jondlelaw.com

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

JUN 1 8 2010

In re Application of:
William H. Eby
Serial No.: 12/061,446
Filed: april 2, 2008
Attorney Docket No.: **1421-335**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed June 11, 2010, 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 June 11, 2010, 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

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November 6, 2009 CST

In re application of Yoshiyuki Hirayama et al Serial No. 12/061,518 Filed: April 2, 2008 For: PERPENDICULAR MAGNETIC RECORDING MEDIUM WITH GRANULAR STRUCTURED MAGNETIC RECORDING LAYER	:	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) pilot program filed April 2, 2008.

The request and petition are **DISMISSED** as moot. Specifically, a restriction requirement was mailed in this application on July 1, 2009 and a non-final office action was mailed on September 24, 2009.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from 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 pilot program and petition fail because:

(4) Examination of the U.S. application has begun. Specifically, note that a restriction requirement was mailed on July 1, 2009 and a non-final office action was mailed on September 24, 2009.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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OFFICE OF PETITIONS

MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco CA 94105

In re Application of

Park, et al. :

Application No. 12/061,530

: DECISION ON PETITION

Filed: April 2, 2008

:

Attorney Docket No. 068949-5038-US

This is a decision on the petition under 37 CFR 1.137(b), filed June 25, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 29, 2008, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on January 30, 2009. A Notice of Abandonment was mailed June 9, 2009.

The amendment filed June 25, 2009, is noted.

The application is being forwarded to Technology Center 3600, GAU 3636 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,548	04/02/2008	Shawn P. Iadonato	55382-74	8690

22504 7590 10/09/2008
DAVIS WRIGHT TREMAINE, LLP/Seattle
1201 Third Avenue, Suite 2200
SEATTLE, WA 98101-3045

EXAMINER

ART UNIT	PAPER NUMBER
1652	

MAIL DATE	DELIVERY MODE
10/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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OCT 0 8 2008

22504
DAVIS WRIGHT TREMAINE, LLP/Seattle
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045

In re Application of	:
Shawn Iadonato	:
Serial No.: 12/061,548	: PETITION TO MAKE SPECIAL
Filed: April 2, 2008	:
Attorney Docket No.: 55382-74	:

This is a decision on the petition filed on April 2, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a **newly** filed non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it has more than 20 claims, and because the petition was not filed with the application has no proper application support document or pre-examination search, as required. Note also the Notice to File Missing Parts dated April 29, 2008

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Dave Nguyen, at (571) 272-0731.

Dave Nguyen
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,574	04/02/2008	Jong Moon Kim	2080-3598	8739

35884 7590 12/30/2009
LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER
GHAYOUR, MOHAMMAD H

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
12/30/2009	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):

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com

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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of	:	
KIM, JONG MOON et al.	:	DECISION ON REQUEST TO
Application No. 12/061,574	:	PARTICIPATE IN PATENT
Filed: April 2, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No.: **2080-3598**	:	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 19, 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.26

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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE WA 99201

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OFFICE OF PETITIONS

In re Application of :
Bahl, Chandra, Moscibroda, :
Narlanka, Wu, and Yuan :
Application Number: 12/061577 :
Filing Date: 04/02/2008 :
Attorney Docket Number: MS1-3557US :

LETTER DISMISSING PETITION UNDER 37 CFR 1.47(a)

This is in response to the petition filed under 37 CFR 1.47(a) on November 24, 2008.

The petition is **DISMISSED** for the reasons stated below.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified nonprovisional application was filed on April 2, 2008, with a declaration under 37 CFR 1.63 listing Paramvir Bahl, Ranveer Chandra, Thomas Moscibroda, Gopala Sri Hara Narlanka, Yunnan Wu, and Yuan Yuan as joint inventors, signed by joint inventors Bahl, Chandra, Narlanka, and Wu on behalf of themselves and joint inventors Moscibroda and Yuan.

Accordingly, on April 24, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, requiring the statutory basic filing fee, the signatures of Moscibroda and Yuan on the declaration, a surcharge for their late filing, and the application search and examination fess.

The present paper is not accompanied by the required petition fee. Patent and trademark fees and charges payable to the Patent and Trademark Office are required to be paid in advance, that is, at the time of requesting any action by the Office for which a fee or charge is payable.[1] As such, the petition fee is a prerequisite to the filing of the present petition, and the Office will not reach the merits of the petition unless and until the petition fee is submitted. Any request for reconsideration of this petition must be accompanied by the petition fee.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1), (2), (3), and (5).

With regard to item (1), the transmission of documents via Email, while a common practice, can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be effected by differences in software generation between the sender and recipient(s), and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems.

Thus, in the absence of an express statement from a non-signing inventor(s) that he/she/they have received, opened and read a document, unlike a printed page in the language of the recipient there is as of this writing no basis <u>to presume</u> that an Emailed document was in a form that can be read <u>and</u> comprehended.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the

[1] 37 CFR 1.22(a).

declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal 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.

If repeated attempts to contact the non-signing inventors are unsuccessful, petitioners will have demonstrated that the inventors cannot be reached, despite diligent efforts, or have refused to sign the declaration.

With regard to item (2), the signature of joint inventor Thomas Moscibroda has not been provided. A declaration naming all of the inventors signed by joint inventor Moscibroda must be provided with any renewed petition. If Moscibroda refuses to sign the declaration or cannot be located to sign the declaration, a petition under 37 CFR 1.47(a) may be filed to accept the declaration without his signature.

The declaration also appears to be defective in that it does not appear to contain the current mailing address for the non-signing inventor.

In this regard, it is noted that the declaration lists the address of Microsoft Corporation as the mailing address for the non-signing inventor. Statements in the petition, however, suggest that non-signing inventor Yuan is no longer employed by Microsoft Corporation. If Yuan is no longer employed by Microsoft Corporation, a current mailing address must be provided.

MPEP 605.03 states, in pertinent part:

> Each applicant's mailing or post office address is required to be supplied on the oath or declaration, if not stated in an application data sheet. Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either applicant's home or business address is acceptable as the mailing address. The mailing address should include the ZIP Code designation. Since the term "post office

> address" as previously used in 37 CFR 1.63 may be confusing, effective November 7, 2000, 37 CFR 1.63 was amended to use the term "mailing address" instead.
>
> The object of requiring each applicant's mailing address is to enable the Office to communicate directly with the applicant if desired; hence, the address of the attorney with instruction to send communications to applicant in care of the attorney is not sufficient.
>
> In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary.

Either a new oath or declaration, signed by all of the signing inventors on behalf of themselves and the non-signing inventor(s) containing the mailing address for the non-signing inventor must be supplied, or the mailing address must be supplied in a signed supplemental Application Data Sheet filed in compliance with 37 CFR 1.76.

With regards to item (3), the petition fee must be supplied as stated above.

In regards to item (5), a last known address must be provided for the non-signing inventor. MPEP 409.03(e) states that an application filed pursuant to 37 CFR 1.47 must state the last known address of the nonsigning inventor. That address should be the last known address at which the inventor customarily receives mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor. Inasmuch as a nonsigning inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the nonsigning inventor may be reached should also be given.

The last known address for the non-signing inventor must be provided with any renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
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OFFICE OF PETITIONS

In re Application of Bahl, Chandra, Moscibroda, Narlanka, Wu, and Yuan Application Number: 12/061577 Filing Date: 04/02/2008 Attorney Docket Number: MS1-3557US	: : : : : :	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the papers filed on January 22, 2009, which are treated as a renewed petition filed under 37 CFR 1.47(a).

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified nonprovisional application was filed on April 2, 2008, with a declaration under 37 CFR 1.63 listing Paramvir Bahl, Ranveer Chandra, Thomas Moscibroda, Gopala Sri Hara Narlanka, Yunnan Wu, and Yuan Yuan as joint inventors, signed by joint inventors Bahl, Chandra, Narlanka, and Wu on behalf of themselves and joint inventors Moscibroda and Yuan.

Accordingly, on April 24, 2008, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, requiring the statutory basic filing fee, the signatures of Moscibroda and Yuan on the declaration, a surcharge for their late filing, and the application search and examination fess.

The paper styled as a petition filed on November 24, 2008, was dismissed on December 23, 2008.

On January 22, 2009, the subject petition was filed, accompanied by the petition fee.

The subject renewed petition is accompanied by a declaration, apparently signed by inventor Yuan Yuan.

It appears that the signature line for joint inventor Yuan Yuan, the sixth named inventor, has been omitted from the declaration, and that joint inventor Yuan Yuan has signed in the signature block for the fifth-named inventor.

The declaration is acceptable if all of the inventors have signed in their respective signature blocks. Accordingly, if inventor Yuan has not signed in the proper signature block, petitioners should provide a declaration signed by joint inventor Yuan Yuan in his proper signature block.

More importantly, the signature of joint inventor Moscibroda has not been provided. Any renewed petition must include joint inventor Moscibroda's signature. If Moscibroda refuses to sign the declaration or cannot be located to sign the declaration after diligent efforts, petitioners may proceed under 37 CFR 1.47(a) with regard to joint inventor Moscibroda.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304-1050

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NOV 26 2008

In re Application of	:	
Maryka Quik et al.	:	DECISION ON PETITION
Application No. 12/061,587	:	TO MAKE SPECIAL UNDER
Filed: April 02, 2008	:	37 CFR 1.102(c)(1)
Attorney Docket No. 16816-701.201	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 30, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from a registered practitioner that he or she has evidence that the applicant is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Shelley Clement at (571)272-6052 or in her absence to the undersigned at (571)272-7099.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052

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MAR 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Fortini, et al.	:	
Application No. 12/061,613	:	DECISION
Filed: 2 April, 2008	:	
Attorney Docket No. 301324.03	:	

This is a decision on the petitions filed on 12 February, 2009, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

The petition as considered under 37 C.F.R. §1.137(b) is **GRANTED**.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (However, it does not appear that a terminal disclaimer and fee are due here.)

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Missing Parts (oath/declaration, surcharge, replacement drawings) mailed on 22 April, 2008, with reply due absent extension of time on or before 22 June, 2008.

Petitioner filed a reply on 25 July, 2008, but requested and paid for an extension of time insufficient to make the reply timely.

The application went abandoned after midnight 22 July, 2008—Petitioner erroneously states this date as "November, 23, 2008."

On 25 August, 2008, the Office mailed a Notice of Incomplete Reply indicating therein that Petitioner might make the reply timely, and failure to do so would result in the abandonment of the application. However, the record reflects no reply from Petitioner.

The Office mailed a Notice of Abandonment on 4 February, 2009.

On 12 February, 2009, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b) averring unintentional delay, a reply in the form of drawings, oath/declaration and fees, and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to Allegations of
Unintentional Delay

It appears that the requirements under 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/061,613	04/02/2008	Christian Fortini	301324.03

CONFIRMATION NO. 8819

FORMALITIES LETTER

69316
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

OC000000029521389

Date Mailed: 04/22/2008

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 signature of the following inventor(s) is missing from the oath or declaration:
  Jean D. Paoli, Laurent Mollicone, and Bulusu Krishna Mohan

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 submitted to the Office are not electronically reproducible because portions of figures 2, 4-8 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:

- Additional claim fees of **$100** 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 **$230** for a non-small entity

- **$130** Surcharge.
- Total additional claim fee(s) for this application is **$100**
  - **$100** for **2** total claims over 20.

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.

/llvuong/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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[Paste Correspondence Address Here]

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
12/061,613	04/02/2008	Christian Fortini	301324.03

CONFIRMATION NO. 8819

69316
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

FORMALITIES LETTER

OC000000029521389

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

NOTICE OF INCOMPLETE REPLY

Filing Date Granted

Applicant's reply to the Notice mailed on 04/22/08_____ was received in the U.S. Patent and Trademark Office on _07/25/08_____. The reply, however, was received after the expiration of the period for reply set forth in the Notice. The application will become **abandoned** unless applicant obtains an extension of the period for reply. An extension of the reply period may be obtained by filing a petition under 37 CFR 1.136(a). The petition must be accompanied by the appropriate fee as set forth in 37 CFR 1.17 (see the current fees below). **The date on which the reply, the petition, and the fee have been filed is the date of the reply and also the date for purposes of determining the period of extension and the corresponding amount of the fee due.** The expiration of the time period is determined by the amount of the fee paid. Applicant 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.

Mail date of Notice: 04/22/08

Last date that extension may be obtained: (Note: The petition and fee must be received by this date, or include a proper certificate of mailing under 37 CFR 1.8 with a date on or before this date, and extend the time to include this date.) 02/25/09

Length of Extension of Time	Fee under 37 CFR 1.17(a) effective Dec.12, 2004	
	Other than Small Entity	Small Entity
One Month	$120	$60
Two Months	$460	$230
Three Months	$1050	$525
Four Months	$1640	$820
Five Months	$2230	$1115

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450

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Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Application Assistance Unit
(571) 272-4200

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ALFRED F. HOYTE, JR.
1101 30TH STREET NW, SUITE 500
WASHINGTON, DC 20007

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APR 22 2008

OFFICE OF PETITIONS

In re Application of	:	
WILLNER, Byron J.	:	
Application No. 12/061,634	:	DECISION ON PETITION
Filed: April 2, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **BW3106.USA**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 2, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the declaration of inventor Byron J. Willner, 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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VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

Mail Date: 04/21/2010

Applicant	: George Matamis	: DECISION ON REQUEST FOR
Patent Number	: 7582529	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/061,641	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/02/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

Mail Date: 04/21/2010

Applicant	: Tuan Pham	: DECISION ON REQUEST FOR
Patent Number	: 7592223	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/061,642	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/02/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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STEPHEN C. KAUFMAN
INTELLECTUAL PROPERTY LAW DEPT.
IBM CORPORATION
P.O. BOX 218
YORKTOWN HEIGHTS NY 10598

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MAR 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Barzilai et al.	:	
Application No. 12/061,671	:	DECISION GRANTING PETITION
Filed: April 3, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. IL920020025US3	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 6, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **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 Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an 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) has been submitted; and (3) the petition contains a proper statement of unintentional delay.

Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 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 instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751.

This matter is being referred to Technology Center Art Unit 2463 for appropriate action, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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
12/061,671	04/03/2008	2463	1960	IL920020025US3	26	6

CONFIRMATION NO. 8928

CORRECTED FILING RECEIPT

OC000000040747543

Stephen C. Kaufman
Intellectual Property Law Dept.
IBM Corporation
P.O. Box 218
Yorktown Heights, NY 10598

Date Mailed: 03/22/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Tsipora Barzilai, Tel-Aviv, ISRAEL;
John Marberg, Haifa, ISRAEL;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/335,323 12/31/2002 PAT 7,376,082

Foreign Applications

If Required, Foreign Filing License Granted: 04/22/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/061,671**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

QUALITY OF SERVICE FOR iSCSI

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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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.
12/061,714	04/03/2008	Qi Naizhen	JP920040002US2	8996

27431 7590 12/16/2008
SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
12/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE CA 92618

In re Application of: QI et al.
Application No. 12/061714
Filed: April 3, 2008
For: SETTING APPARATUS, SETTING METHOD, PROGRAM, AND RECORDING MEDIUM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 13, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The request and petition are **GRANTED**.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,719	04/03/2008	Donald F. Ault	POU920040048US2	9003

33558 7590 01/15/2010
INTERNATIONAL BUSINESS MACHINES CORPORATION
Richard Lau
IPLAW DEPARTMENT / Bldg 008-2
2455 SOUTH ROAD - MS P386
POUGHKEEPSIE, NY 12601

EXAMINER
HUARACHA, WILLY W

ART UNIT	PAPER NUMBER
2195	

NOTIFICATION DATE	DELIVERY MODE
01/15/2010	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):

poiplaw2@us.ibm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

William A. Kinnaman, Jr.
2455 South Road, Mail Station P386
Poughkeepsie, NY 12601

MAILED

JAN 14 2010

Technology Center 2100

In re Application of:
Donald F. Ault et al.
Application No. 12/061,719
Docket : POU920040048US2
Filed: April 3, 2008
For: METHOD, SYSTEM, AND STORAGE MEDIUM FOR MANAGING COMPUTER PROCESSING FUNCTIONS

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(c) AND M.P.E.P.§708.02(IV)

This is a decision on the petition to make special filed November 20, 2009 under 37 C.F.R. §1.102(c) and M.P.E.P. §708.02(IV): Applicant's Age.

The petition is **GRANTED**.

M.P.E.P. §708.0IV), which sets forth the prerequisites for grantable petitions to make special based upon the age of an applicant under 37 C.F.R. § 1.102(c), states in relevant part:

> An application may be made special upon filing a petition including any evidence showing that the applicant is 65 years of age, or more, such as applicant's statement or a statement from a registered practitioner that he or she has evidence that the applicant is 65 years of age or older. No fee is required with such a petition. See 37 CFR 1.102(c).

The petition includes a statement by applicant Leslie Wyman that applicant is 65 years of age or older.

Accordingly, the petition is **GRANTED**. The application will be forwarded to an examiner for processing in a fashion consistent with this decision.

/Gail Hayes/
Gail Hayes
Special Programs Examiner/Quality Assurance Specialist

Technology Center 2100
Computer Architecture, Software, and
Information Security
(571) 272-3591

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Gibbons P.C.
One Gateway Center
Newark, NJ 07102

MAILED

MAY 08 2009

OFFICE OF PETITIONS

In re Application of	:	
William Keith Maddox	:	
Application No. 12/061,745	:	DECISION ON PETITION
Filed: April 3, 2008	:	TO WITHDRAW
Attorney Docket No. 107921-61249 CIP	:	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 10, 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 Vincent E. McGeary 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 William Keith Maddox at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **William Keith Maddox**
40 Highland Avenue
Short Hills, NJ 07078

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UNITED STATES DEPARTMENT OF COMMERCE
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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
12/061,745	04/03/2008	William Keith Maddox	107921-61249 CIP

CONFIRMATION NO. 9035

POWER OF ATTORNEY NOTICE

26345
GIBBONS P.C.
ONE GATEWAY CENTER
NEWARK, NJ 07102

OC000000035880979

Date Mailed: 05/08/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/10/2009.

- 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,759	04/03/2008	Kyung-geun Lee	1793.1171C1	9053

7590 04/30/2009

STEIN MCEWEN, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER
DINH, TAN X

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
04/30/2009	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
05/01/2009 0030069545

Credit Card Refund Total: $510.00

Ca Exp..: XXXXXXXXXXX1019

Adjustment date: 05/01/2009 NFARMER
04/03/2008 INTEFSW 00006143 12061759
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH FL 33402-3188

COPY MAILED

OCT 2 2 2008

OFFICE OF PETITIONS

In re Application of:
NAKANO, et al.
Application No.: 12/061,793
Filed: April 3, 2008
Attorney Docket No.: 2000-40

DECISION ON PETITION

This is a decision on the Petition Under 37 C.F.R. §1.53(e) to Review Refusal to Grant a Filing Date as of the Date of Deposit of the Application, filed September 3, 2008, requesting that the above-identified application be accorded a filing date of April 3, 2008. The requisite $400.00 petition has been submitted.

The petition is **GRANTED**.

The above-identified application was deposited with the United States Patent and Trademark Office (USPTO) on April 3, 2008. The originally deposited application papers included non-English language application papers, as provided for under 37 CFR 1.53(d). More specifically, the originally deposited application papers included, inter alia, an eighteen (18) page Japanese language specification.

On May 1, 2008, the USPTO mailed a Notice of Incomplete Nonprovisional Application Filed under 37 CFR 1.53(b) that notified applicant that:

1. "[t]he specification does not include at least one claim";

2. "[t]he oath or declaration is missing";

3. "[t]he application was filed in a language other than English. Applicant is required to provide an English translation of the specification, a statement that the translation is accurate, and the processing fee set forth in 37 CFR 1.17(i). (See 37 CFR 1.52(d))"; and,

4. "[a]pplicant must file an English language translation of the application, the $130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d))."

On June 24, 2008, applicant filed a Response to Notice of Incomplete Nonprovisional Application, which was, inter alia, accompanied by the requisite fees and the following documents:

- an oath or declaration;
- an English language Abstract;
- an English language translation of the originally deposited Japanese language specification, the translation including twenty-three (23) pages of description and two (2) pages of claims; and,
- a Statement executed by the translator that states the translator believes that the translation "is an accurate translation of the U.S. Patent Application Serial No. 12/061,793 entitled DIRECT CURRENT MOTOR, filed on April 3, 2008, in the namês of Yoshiki NAKANO and Kuniaki MATSUMOTO."

While the content of the June 24, 2008 Response was considered to have satisfied each of the items set forth in the May 1, 2008 Notice, the June 24, 2008 Response did not specifically include any discussion concerning whether or not the originally deposited Japanese specification included at least one claim. However, the June 24, 2008 Response did, nonetheless, include an English language translation, including at least one claim, and a statement that such translation is an accurate translation of Application Serial No. 12/061,793, filed on April 3, 2008. The USPTO interpreted the content of the June 24, 2008 Request as a signed request asking that the translation be used as the copy for examination purposes in the USPTO and that the translation is a literal translation, as discussed in Section 608.01 of the Manual of Patent Examining Procedure (MPEP). The USPTO accepted the translation and accorded the application a filing date of June 24, 2008. Should the USPTO have interpreted the content of the June 24, 2008 Request in a manner inconsistent with applicants' intent, applicants should correct the record promptly.

On June 30, 2008, the USPTO mailed a Filing Receipt identifying June 24, 2008 as the filing date of the application.

On September 30, 2008, applicant filed the present Petition requesting that the application be accorded a filing date of April 3, 2008, the date the original application papers were deposited with the USPTO. The present Petition urges, inter alia, that the Japanese language specification originally deposited on April 3, 2008 included seven (7) claims, i.e., Claims 1-7, on Pages 16 and 17 thereof. Had the June 24, 2008 Response treated the current issue in a manner consistent with present Petition, the need for present Petition would have likely not arisen.

37 CFR 1.52(d) states, in part, that:

> "(d) [a] nonprovisional application may be filed in a language other than English."
>
> (1) *Nonprovisionl application.* If a nonprovisional application is filed in a language other than English, an English language translation of the non-English language application, a statement that the translation is accurate, and the processing fee set forth in § 1.17(i)) are required. If these items are not filed with the application, applicant will be notified and given a period of time within which they must be filed in order to avoid abandonment"

Section 608.01, *Specification*, subsection V., *Filing of Non-English language Applications*, of the MPEP, which discusses the filing of non-English language application, states, in part, that:

> "The U.S. Patent and Trademark Office will accord a filing date to an application meeting the requirements of 35 U.S.C. 111(a)...even though some or all of the application papers, including the written description and the claims, is in a language other than English..."

A review of the application papers originally deposited with the USPTO on April 3, 2008 taken together with the content of the present Petition reveals that the originally deposited Japanese language specification did, in fact, include seven (7) claims, i.e., Claims 1-7, on Pages 16 and 17 thereof. The translation, filed on June 24, 2008, also included seven (7) claims, which is consistent with the originally deposited Japanese language specification. At this time, it is appropriate to accord the above-identified application a filing date of April 3, 2008 as applicants have now established that the application papers originally deposited with the USPTO on April 3, 2008 satisfied all of the provisions under of 37 CFR 1.52(b) required for a filing date.

This application file is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to **April 3, 2008** and for issuance of a corrected Filing Receipt.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

Brian W. Brown
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,808	04/03/2008	Allon Adir	IL920080027US1	9135

78148 7590 07/22/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
07/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

July 18, 2008

Steven T. Synder
King & Spalding
1185 Avenue of the Americas
New York, NY 10036

In re Application of: Allon Adir et al. Serial No.: 12/061808 Filed: April 03, 2008 Docket: IL920080027US1 Title: METHOD FOR DISTRIBUTED JOINT PSEUDO RANDOM DECISION MAKING	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 3, 2008to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I1-I4, II1-II4, II5.1, II5.3, II6.1, II6.3-II6.4, and II6.6 above are met. However, the petition fails to comply with conditions II5.2, II6.2, and II6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Deleted: ¶

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5.2 above, the pre-examination search must be directed to the (instant) claimed invention and encompass all of the features of the claims as well as encompass the disclosed features that may be claimed. Text searches of section (A) of the Pre-examination Search Document should cover individual features of the claims themselves as well as a combination of features. The text search for US and foreign documents as well as for non-patent literature should include appropriate terms, Boolean operators, truncations, and proximities if applicable.

A search of the following class and subclasses must be performed in order to perform a complete search of the prior art.

708/250-256,
380/268, and
463/9-10,22)

As these classes/subclasses are directly related to the claimed subject matter of making joint decision based on stochastic processes.

In addition, the text search should include the following strategy in order to cover the proper scope of the claimed invention. The suggested text search should include any combination of the following terms would be any combination of terms:

(common <or> identical <or> same),
seed,
decision,
(joint <or> stochastic <or> pseudo <or> true), and
random.

For example, the following text search could include the following combination:

(random same (generat$3 or sequenc$3)) and seed$1 and ((common or identical or same) or (joint or stochastic or pseudo or true)) and decision$1).

Clarification and/or correction are required.

A search of the following databases is suggested: IEEE Xplore; ACM; and Google PDF search

Examples of various search strategies can be found on USPTO website, using the link http://www.uspto.gov/web/patents/accelerated/ and clicking on "Sample Accelerated Examination Support Document".

[1] MPEP 8th ed. rev 6 September 2007

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item II.6.2 above, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Section 9(B) of the Examination Support Document discusses disclosures of references deemed most closely related but fails to identify the specific limitations of claim 1 that is disclosed by each reference or to identify where such disclosure may be found. Correction is required

Finally, with respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item II.6.5 above, the Accelerated Examination Support Document must provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. Section 9(E) is purported to show where support for the claimed invention may be found. However, within the section, reference is made to paragraphs 15-24 and Figures 2-3 but no discussion of where support may be found for each individual claim element is included. Clarification and identification of support **for each claim limitation** is required.

DECISION

For the above-stated reasons, the petition is **Dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Deleted: include: 1) a statement that if the Office determines that all the claims presented are not directed to a single invention, applicant will make an election without traverse as a prerequisite to the grant of special status; 2) a detailed discussion with the particularity required by 37 CFR § 1.111(b) and (c) of how the claims distinguish over each cited reference.¶

Any inquiry regarding this decision should be directed Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,808	04/03/2008	Allon Adir	IL920080027US1 (105080)	9135

78148 7590 01/14/2009
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
01/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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1/13/2009

Steven T. Synder
King & Spalding LLP
1185 Avenue of the Americas
New York, NY 10036

In re Application of: Allon Adir et al. Serial No.: 12/061,808 Filed: April 3, 2008 Docket: IL920080027US1 (105080) Title: METHOD FOR DISTRIBUTED JOINT PSEUDO RANDOM DECISION MAKING	: : : : : : :	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the request for reconsideration filed on August 14, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

REVIEW OF FACTS

The conditions I1-I4, II1-II4, II5.1-II5.3, and II.6.1-II.6.6 listed in the prior decision are met. Therefore, the petition meets the required conditions to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

DECISION

For the above-stated reasons, the petition is **Granted**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the

amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed Gail Hayes, Quality Assurance Specialist, at (571) 272-3591.

/Gail Hayes/

Gail Hayes, Quality Assurance Specialist
Technology Center 2100

PTO/SB/130 (03-08)
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12061850	Confirmation Number	9198	Filing Date	2008-04-03
Attorney Docket Number (optional)	EURO-275K	Art Unit	3723	Examiner	Not Yet Assigned
First Named Inventor	Maximilian ROSENZWEIG				
Title of Invention	Adapter for Use With A Mop				

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
Maximilian		Rosenzweig	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Michael I. Wolfson/	Date (YYYY-MM-DD)	2008-05-16
Name	Michael I. Wolfson	Registration Number	24750

PTO/SB/130 (03-08)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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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
Maximilian Rosenzweig

Application No. 12061850

Filed: April 3,2008

Attorney Docket No. EURO-275J (086084.016219)

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 16-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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OKAMOTO & BENEDICTO, LLP
P.O. BOX 641330
SAN JOSE, CA 95164

Mail Date: 05/17/2010

Applicant	: Gary R. Holt	: DECISION ON REQUEST FOR
Patent Number	: 7652721	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/061,890	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/03/2008	: 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.

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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

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JUN 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Jamie S. HENDERSON, et al	:	
Application No. 12/061,898	:	DECISION ON PETITION
Filed: April 3, 2008	:	TO WITHDRAW
Attorney Docket No. 760-281	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Hoffmann & Baron, LLP, has been revoked by the assignee of the patent application on April 22, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

The correspondence address of record is the address indicated below until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE, MN 55344

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/061,966	04/03/2008	Tomoyuki KITANI	324814US2X	9415

7590 04/27/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
FITZGERALD, JOHN P

ART UNIT	PAPER NUMBER
2856	

NOTIFICATION DATE	DELIVERY MODE
04/27/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Refund Ref:
04/26/2010 0230082986

Credit Card Refund Total: $510.00

Adjustment date: 04/26/2010 NFARMER
04/03/2008 INTEFSW 00026665 12061966
02 FC:1111 -510.00 OP

FORM PET651G (Rev. 08/07)

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JAN 11 2010

Sughrue Mion, PLLC
2100 Pennsylvania Avenue N.W.
Suite 800
Washington, DC 20037

In re application of Osamu Komeda, et al. Application No. 12/061,984 Filed: April 3, 2008 For: ENERGY-SAVING DRIVING PROMOTION SYSTEM AND METHOD	: : : : : :	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 22, 2009, to make the above-identified application special.

The request and petition are **DENIED**.

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 the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:
(4) An application where examination has not yet commenced. The examination of this application has begun as evidenced by the non-final Office action mailed January 8, 2010.

No time period for reply to this decision is available since the deficiency outlined above is a fatal defect which cannot be remedied.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 1/10/09

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DEC 02 2008

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Chia Hao Chang
5355 NW Paseo Terrace
Portland CA 97229

In re Application of: Chia Hao CHANG, et. al.
Serial No.: 12/061,986
Filed: April 3, 2008
Docket: CHANG02CE
Title: METHOD, SYSTEM, AND PROGRAM FOR INTEGRATING DISJOINED BUT RELATED NETWORK COMPONENTS INTO COLLABORATIVE COMMUNITIES

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on April 3, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The pre-examination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. The pre-examination search must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111 (b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify:

(1) each means-(or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and

(2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth

paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. §103(c).

REVIEW OF FACTS

The conditions [I. 1-3, II. 1-5, II. 5.3, and II. 6.6] above are considered to have been met. However, the petition fails to comply with the conditions [I. 4, II. 5.1, II. 5.2, and II. 6.1-6.5]. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP §708.02(a) (F) and the above-mentioned I. 4: the claims must be directed to a single invention. If the USPTO determines that all the claims presented are not directed to a single invention, applicant must make an election without traverse in a telephonic interview.

Claims have been reviewed and a determination has been made that claims 1-17 are directed to two inventions, namely

Group I: claims 1-16 classified in class 709/246 computer-to-computer data modifying (e.g. changing the format of the data transferred between the computers)

Group II: claims 17-20 classified in class 709/245 computer-to-computer address modifying (manipulating address data associated with user data between the computers to ensure that associated user data are transferred to or from the intended computers.

Applicant is requested to make an election in response to this decision.

Regarding the requirement of MPEP 708.02(a) VIII (C) or I (H), and item II. 5.1 above, the Pre-examination Search Document (PESD) must include: an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

For classification searches, MPEP §719.05 states that a classification search is defined as a complete search of ***all*** the documents in a particular subclass, and it is not limited by any text query or other means. It is unclear whether Petitioner on May 5, 2007 searched all the provided classes and subclasses with the requisite particularity to uncover relevant prior art:

705/1, 7, 10
707/1, 6, 100, 104.1;
709/200, 201, 203, 204, 205, 218, 219, 223, 224, 225, 226, 238, 245, 250

Petitioner is further required to identify which of whether U.S. patents and patent application publications, foreign patent documents, and non-patent literature where involved in the "class alone" search mentioned above, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement.

The Petitioner is required to clarify whether the identified field of search (all subclasses of classes mentioned above comprising approximately **14,933,372** documents) were performed as required by the above-mention MPEP section (the identified classes and subclasses were searched in their entirety and not limited by any text query or other means); or if they were combined (i.e. the text search logic used was utilized in combination with the class/subclass), identify the logic and the combination of searches. Clarification is required.

Regarding the requirement of MPEP §708.02(a)(I)(H)(2) and item II 5.2 above, the Petitioner's preexamination search does not encompass all of the features of the claims, given the broadest reasonable interpretation.

Specifically, the pre-examination search strategy/logic conducted on May 5, 2007 does not encompass **all** of the features of the **claims**, namely, this search conducted on the **DELPHION** database, does not seem to encompass the following claimed **underlined** features:

sending a data set having a pre-determined format to an integrated collaborator for delivery to at least one receiving member over a network comprising a plurality of integrated collaborators grouped into at least one or more clusters where one or more clusters form a cluster cloud; and receiving from one of said plurality of integrated collaborators said data set in an acceptable format where, if necessary, at least one integrated collaborator has converted said pre-determined format to said acceptable format whereby the network components communicate with each other and conduct collaborative activities, as recited on claim 1;

specifying a format key corresponding to said pre-determined format allowing said integrated collaborator to indicate if conversion of said pre-determined format to said acceptable format is required, as recited on claim 2;

specifying a destination address allowing said integrated collaborator to determine an optimal path by which said data set will travel over said network and which of said plurality of integrated collaborators can perform said conversion if said conversion is indicated, as recited on claim 3;

indicating a delivery option for said data set where delivery options comprise point-to-point and broadcast with scopes of downstream and upstream, as recited on claim 4;

specifying if a copy of said data set is to be retained on said network after said data set is delivered, as recited on claim 5;

including with said data set an indication of the *intent* of said data set, as recited on claim 6;

wherein said data set comprises a unit of work (VOW), as recited on claim 7.

Similarly, the Petitioner's pre-examination search does not encompass all of the features of the claims, namely, the claimed features of claims 8-20.

Regarding the requirement of MPEP §708.02(a)(I)(H)(2) and item II 5.2 above, the pre-examination search (PREX SRCH) must: be directed to the instant claimed invention and encompass all of the features of the claims, giving the claim the broadest reasonable interpretation.

The search logic does not seems to include the inventive concept or features included in the claim language that covers the subject matter of the claims using terms recognized in the art given their broadest reasonable interpretation. The search should consider individual features by themselves and combinations of features. The search should cover the **broadest scope** encompassed by the claims **as well as** claims of **narrow and intermediate breadth**. See example of suggested term(s) below.

The text search query reported by the Petitioner fails for its lack of depth and breadth to cover all of the concepts the claims recite. The text search query fails for lack of inclusion of applicable/alternative search/key terms, and their synonyms, use of proper proximity operators, and truncation characters, as used in the claims of the invention.

Here is an exemplarily search strategy that would depth and breadth to cover all concepts the claims and intended to **supplement** Petitioner's text search set forth on the preexamination search document in order to provide full coverage of where the most pertinent references are most likely to be found:

L1 *(data vow work) with (format$4 ((data document) near type))*

L2 *(conversion convert$4 transform$5 translat$5 reformat$4) with (data format$4 standard ASCII EDIFACT)*

L3 *(optimal best shortest) near2 (path link route connection) with (destination sink)*

L4 *(collaboration delivery transmission communication transfer) near2 (broadcast$4 multicast$4 PPP (point near point))*

L5 *(L3 same L4)*

L6 *(upstream downstream) same L4*

L7 *(unit near work) same (L1 (purpose object use utility))*

L7 *L1 and L2 and L3 and L4*

Default proximity operator is "OR", other proximity operators used in EAST are: "adj", "near", "with", "same".

Note that the above list of terms and synonyms are not meant to be an exhaustive list, merely an example of various terms and synonyms that can be used to produce a more comprehensive prior art search. Nor these examples are limited only to those sets of search terms provide; each search term used should be evaluated for applicable synonyms. Additionally, searches utilizing other databases should be modified to include the above-mentioned terms and synonyms.

These text search strategies should be added to supplement the classified search performed. It should be noted that it is rare that a text search alone would be considered a complete search strategy (MPEP §904.02). A recommended search strategy is a couple of the most relevant subclasses, searched by themselves, viewing each document or combined in a text search with a few relevant terms. A larger subset of subclasses can be combined with more search terms.

These strategies should (or rough equivalent thereof) be preformed on a database that includes US Patents, US PG Pubs, Foreign Patents and Non Patent Literature.

Petitioner should review all claim limitation, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarification if deemed necessary.

It is noted that the Search Logic performed on the Database Service **Google** on February 29, 2008 shown on **pages 5-9** of the pre-examination search document are *illegible* and therefore not possible for review. Applicant is advised to incorporate the above recommended search strategy to the Google search and provide a legible copy of the current and updated searches.

Regarding to the requirement of MPEP 708.02(a) (I) (1) and item II. 6.1 above, an accelerated examination support document must include: an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims.

Petitioner's second IDS submission filed 5/21/08 contains (i) no signature and (ii) the same references cited in prior IDS filed April 3, 2008, plus additional references. Thus, the AESD is found not in compliance 708.02(a) I(H)(5) and deemed insufficient for lack of identification and explanation.

In accordance with MPEP 708.02(a)I (H) (5): Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. See 37 CFR 1.56 and 10.18.

Specifically, 37 CFR §10.18 requires that "all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that *is required to be signed* by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office *must bear a signature* by such practitioner complying with the provisions of § 1.4(d), § 1.4(e), or § 2.193(c)(1) of this chapter".

Furthermore, Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, *similarly, applicant should clearly identify the separate IDS that is not in support of the petition.* Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD.

If applicant wishes to cite references, that are not part of the AESD, applicant may submit such references in a ***separate*** IDS in compliance with 37 CFR §1.97 and §1.98. Correction is required.

Regarding to the requirement of MPEP §708.02(a) (I) (I) (2-3) and item II 6.2, the accelerated examination support document (AESD) must include: an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

AESD fails to identify all of limitations of the claims in accordance with this requirement. Petitioner's must provide a detailed discussion of each of the identified references, identifying subject matter by way of figure, page, column and line numbers, as appropriate as they pertain to **all** of the claim limitations of **all** of the claims of the instant application.

More specifically, regarding *9(B) Identification of Limitations disclosed by References*: Stewart, et. al. (US 7,143,186) on page 8 of AESD, there is **no** detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111 (b) and (c), including point out the specific distinctions believed to render the claims, patentable over any applied references.

Particularly, there is **no detail explanation for *each claim limitation*** which points out how the language of the claims patentably distinguishes them from the references (i.e. each reference), particularly by means of a claim ***limitation-by-limitation mapping with the teachings of the reference***.

More particularly, the **language of the claim** and/or a **recitation of each limitation** disclosed by the reference is **not found** in the 9(B) statement.

For each reference cited, the accelerated examination support document **must** include an *identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.* Applicants should specify where in each of the cited references the particular claim limitations are found. This requirement can be satisfied by listing verbatim all the presently filed claims (by "copy and paste") and by indicating where (e.g. relevant page, line number or Figure element reference) each claim limitation of each claim is taught (or not taught) by the applied reference(s) (without bundling limitations together to the extent possible).

The AESD representation is found deficient because it materially effects the examination of the application particularly (e.g., regarding the Stewart references) because of the numerous instances where the claimed limitations are not shown. More specifically, the discussion of the Stewart et. al. reference with respect to the claimed invention seems to be a "cut and paste" of the claims (i.e. 1-17) in Stewart patent. There is no ***discussion (nor explicit language) pointing out explicitly whether the Stewart reference teaches, suggests or fails to teach*** any of the claims of instant invention. Clarification is required.

For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

The AESD further *does not address each limitation (e.g. each single limitation of each claims including dependent claims 5-7, 12, 14 and 18-20) and state where it is (or state that it is not) found in each one of the most closely related prior art.*

The discussion of the ***Anthony, Tony*** reference seems to consist of indicating the invention's claim limitation followed by a citation in the Anthony reference. Claim 1, as presented in the AESD **seems** to be taught in its entirety by the reference, same analysis applies to claims 2, 8 and 11 of instant invention (see page 11-12), **being** that there is ***no statement*** indicating which limitation(s)/feature(s) the reference ***fails*** to teach or suggest alone or in combination with another reference. In contrast, the AESD's "9(C) Detailed Explanation of Patentability" statement lists a series of features (which do not seem to be claimed) for which it is stated that "*all of the references identified above fail to:*" (which seems to imply ***do not teach***). Clarification is required.

Petitioner must explicitly state whether the applied reference(s) ***teaches or does not teach*** each all of the claim limitation disclosed by the applied references in all claims to comply with the above requirement above. Correction is required.

Regarding to the requirement of MPEP 708.02(a) (I) (2-3) and item II 6.3 above, the Accelerated Examination Support Document (AESD) must include: a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111 (b) and (c).

Namely, point out the specific ***distinctions*** believed to render the claims, patentable over any applied references.

The petitioner's "***9(C) Detailed Explanation of Patentability***" statement is not clear and consistent as to how each of the claims is patentable over the references cited. Petitioner fails clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited. That is, the petition does not *specifically* properly *compare/contrast* the claimed invention with respect to the relevant teachings in the prior art in the identified references. A general allegation that "*all of the references fail to at least teach ... and therefore patentably distinguish over each of the references alone or in combination*" does not comply with the requirements.

Specifically, in this case, a list of features (1-14) which allegedly "*all of the references identified above fail to*" (support) provided on pages 19-22 of the AESD, ***do not seem to be claim features and/or limitations thereof.*** Clarification is required.

For example, the at least following four (4) features are listed in the "9(C) Detailed Explanation of Patentability" statement as "*All of the references identified above fail to:*", which seems to imply ***fail to teach or fail to disclose*** (rather than explicitly stating so):

1. ***Have architectures for integrating or extending the c-hub in a systematic way.***
2. ***Have a central control among a group of integrated collaborators or said c-hub chains.***
3. ***Have a method to propagate said business protocol used in said c-hub to other c-hubs in-the said chain.***
4. ***Have a way to reduce unnecessary decoding/encoding processes.***

However, it remains unclear where (i.e. ***in what claim(s)***) is/are these features and/or limitations recited. Clarification is required.

Correction is required for ***both*** 9(B) Identification of Limitations Disclosed by References statement for all references, and 9(C) Detail Explanation of Patentability statement.

For these reasons, the petition does not meet the requirement of MPEP § 708.02.

Regarding the requirement of MPEP 708.02(a) (I) (I) (4) and item II 6.4 above, the Accelerated Examination Support Document (AESD) requires a concise statement of the utility of the invention ***as defined in each of the independent claims*** (unless the application is a design application).

The Accelerated Examination Support Document (AESD) fails to identify (e.g. by claim number) which independent claim(s) the statement of utility refers to (page 22 9(D) Concise Statement of Utility), where each of the independent claims share a common utility, these claims may be grouped together indicating such grouping.

Regarding the requirement of MPEP §708.02(a)(I)(5) and item II 6.5 above, the accelerated examination support document (AESD) must include: a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification.

Petitioner, for example, identifies the support for the claimed features by referring to Figs. 1-5, 6a-c, 6-1, 6-2, table 3-4 for claim 1, rather than for ***each claim limitation***, a page, line and corresponding element in the figure reference number.

This requirement can be satisfied by listing verbatim all the presently filed claims (by "copy and paste") and by indicating where the instant application (and separately each one of the priority documents - if applicable) teaches each discrete limitation (without bundling limitations together to the extent possible) in each one of said presently filed claims, by indicating the element number and/or the relevant page and line numbers.

As noted above, if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists. Instant application is a continuation-in part of U.S. Patent Application 11/626,596, (abandoned as of 4/16/08). Clarification is required.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-4147.

If attempts to reach the undersigned by telephone are unsuccessful, Tod Swann, Quality Assurance Specialist, can be reached at (571) 272-3612.

/bp/

/Kim Huynh/

Kim Huynh,
Quality Assurance Specialist
Technology Center 2100
Computer Architecture, Software and Information Security

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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.
12/061,986	04/03/2008	Chia Hao Chang	CHANG02CE	9451

7590 01/29/2009

Chia Hao Chang
5355 NW Paseo Terrace
Portland, CA 97229

EXAMINER
CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
01/29/2009	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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Chia Hao Chang
5355 NW Paseo Terrace
Portland CA 97229

In re Application of: CHIA HAO, Chang et. a. Serial No.: **12/061,986** Filed: April 03, 2008 Docket: CHANG02CE Title: METHOD, SYSTEM, AND PROGRAM FOR INTEGRATING DISJOINED BUT RELATED NETWORK COMPONENTS INTO COLLABORATIVE COMMUNITIES	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

A decision dismissing the petition to make the above-identified application special for accelerated examination was mailed on December 02, 2008. The decision set a non-extendable time period of one month or 30 (thirty) days, whichever is longer, from its mailing date to correct the deficiency/deficiencies in the petition.

As of January 05, 2008, the expiry of the period set, neither a reply nor a renewed petition was received. Accordingly, the application is no longer eligible for the accelerated examination program.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-4147.

Kim Huynh,
Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

AUG 2 8 2009

Rankin, Hill & Clark LLP
38210 Glenn Avenue
Willoughby, OH 44094-7808

In re application of Makoto Nakamura Application No. 12/062,000 Filed: April 3, 2008 For: MOBILE APPARATUS, CONTROL DEVICE AND CONTROL PROGRAM	: : : : : :	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 August 25, 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).

In light of the preliminary amendment filed August 25, 2009 and the IDS filed June 2, 2009, the request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 08/28/09

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Brian Roffe, Esq.
11 Sunrise Plaza, Suite 303
Valley Stream, NY 11580-6111

COPY MAILED

SEP 26 2008

In re Application of	:	
David S. Breed	:	
Application No. 12/062,099	:	DECISION ON PETITION
Filed: April 3, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ITI-016	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 23, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a photocopy of applicant's passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 2612 for action on the merits commensurate with this decision.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,107	04/03/2008	Frank Jania	CAM920080030US1	9669

63605 7590 08/04/2008
CANTOR COLBURN LLP - IBM LOTUS
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
08/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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CANTOR COLBURN LLP - IBM LOTUS
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of: Frank Jania et al. Serial No.: 12/062,107 Filed: April 3, 2008 Docket: CAM920080030US1 Title: METHOD, SYSTEM AND USER INTERFACE FOR PROVIDING INLINE SPELLING ASSISTANCE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 3,, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719.

/Kakali Chaki/

Kakali Chaki
Quality Assurance Specialist
Technology Center 2100

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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
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TROY, MI 48007-7021

Mail Date: 04/21/2010

Applicant	: R. Charles Murray	: DECISION ON REQUEST FOR
Patent Number	: 7661560	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/062,125	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/03/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **5** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Fay Sharpe/Xerox – Rochester
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115

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NOV 23 2009

OFFICE OF PETITIONS

In re Patent No. 7,557,983	:	
Issue Date: July 7, 2009	:	
Application No. 12/062,132	:	ON PETITION
Filed: April 3, 2008	:	
Attorney Docket No. A1445USCNT/XER20596-1	:	

This is a decision on the petition filed July 10, 2009, under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The request is **GRANTED**.

Petitioner states that the correct assignee name is "Xerox Corporation" and that the incorrect assignee name was inadvertently submitted 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 omitted assignees on the front page of the Letters Patent in the patent 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.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Xerox Corporation" is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed in a patented application.

Inquiries concerning this decision should be directed to the Kimberly Inabinet at (571) 272-4618. 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 in a patented application.

Carl Friedman
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.
12/062,135	04/03/2008	William H. Eby	1421-336	9730

32905 7590 07/09/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
WORLEY, CATHY KINGDON

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
07/09/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 0 9 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	:
Serial No.: 12/062,135	: PETITION DECISION
Filed: April 3, 2008	:
Attorney Docket No.: **1421-336**	

This is in response to the petition under 37 CFR § 1.59(b), filed June 30, 2010, 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 June 30, 2010, 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

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P.O. Box 1450
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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SEP 26 2008

In re Application of	:	
David S. Breed et al.	:	
Application No. 12/062,177	:	DECISION ON PETITION
Filed: April 3, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ITI-021	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 23, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a photocopy of applicant's passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

The application is being forwarded to the Technology Center Art Unit 2612 for action on the merits commensurate with this decision.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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HOPE BALDAUFF HARTMAN, LLC
1720 PEACHTREE STREET, N.W
SUITE 1010
ATLANTA GA 30309

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NOV 17 2008

OFFICE OF PETITIONS

In re Application of	:
Scott Sheppard et al.	:
Application No. 12/062,208	: DECISION ACCORDING STATUS
Filed: April 3, 2008	: UNDER 37 CFR 1.47(a)
Attorney Docket No. **60027.5076USU1 / 070042**	:

This is in response to the petition filed October 27, 2008 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed without the signature of one of the joint inventors. Accordingly, on April 28, 2008, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response the instant petition under 37 CFR 1.47(a) was filed. The petition argues that joint inventor James R. Pennington refuses to sign the oath or declaration and thus by his actions, to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that the application papers were sent via email to Mr. Pennington and that his reply to that email indicates his receipt of the application materials transmitted, however to date he has not returned an executed oath or declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Petitioner's deposit account no. 09-0470 has been charged in the amount of $200.00 for the petition fee.

This matter will be referred to Technology Center 1771 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS TX 75201

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MAR 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Lasensky, et al.	:	
Application No. 12/062,213	:	DECISION ON PETITION
Filed: 3 April, 2008	:	
Attorney Docket No. 67175981.001117	:	

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 14 November, 2008, 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 **DISMISSED AS MOOT.**

The petition is not accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. The amendment is improperly incorporated into the petition.

Nonetheless, a reference to the prior-filed nonprovisional application was included in an Application Data Sheet (ADS) (though not in the first sentence of the specification following the title) as required by the rules.

Where a claim for priority under 37 C.F.R. §1.78(a)(3) 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).[1]

[1] *Note* MPEP 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

As noted above, in the present case, the claim for priority was set forth in the ADS filed with the application, and the Office noted that claim for priority in the ADS to the prior-filed application.

In view of the above, the $1,410.00 petition fee submitted is unnecessary and will be refunded to Deposit Account 13-0480 in due course. Should Petitioner later find that the fee was not refunded, Petitioner should file with the Office of Finance a request accompanied by a copy of this decision.

This application is being referred to Technology Center/AU 2442 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §120 to the prior-filed application.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,262	04/03/2008	Douglas D. Coolbangh	05456.105086 (BUR92008003	9969

78148 7590 05/20/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
GHYKA, ALEXANDER G

ART UNIT	PAPER NUMBER
2812	

MAIL DATE	DELIVERY MODE
05/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ATLANTA, GA 30309

In re Application of: Douglas D. Coolbaugh et al. Serial No.: 12/062,262 Filed: April 3, 2008 Docket: 05456.105086 (BUR920080038US1) Title: METHOD AND STRUCTURE FOR BALLAST RESISTOR	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. §1.102

This is a decision on the petition filed on April 3, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d) and M.E.P.E.P. §708.02(a).

The petition to make the application special is DISMISSED.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. §1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 C.F.R. §1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 C.F.R. §1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed;

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 C.F.R. §1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 C.F.R. §1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.5; II.6.1 through 6.4 and II.6.6 above. However, the petition does not meet conditions II.6.5 above.

Regarding condition set forth in II.6.5 above, the examination support document must point out where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. In the instant petition, the examination support document only refers to where support for each of the claims is found in the specification but does not show where support of each limitation in the claims is found. Specifically, it is stated "[s]upport for claim 1 in the disclosure under 35 U.S.C. § 112, first paragraph, is found at least in paragraphs [0022] and [0026] of the specification, as well as in FIGS. 3 and 7." Paragraphs [0022] and [0026] do not discuss the support for the recitation "forming a metal pad over and in contact with a second end of the contact bar in the longitudinal direction; whereby the resistance of the ballast resistor is substantially determined by the ratio of the longitudinal dimension to the transverse dimension" of claim 1. Accordingly, the petition fails to meet conditions II.6.5 above for special status.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is available) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Henry Phan

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,262	04/03/2008	Douglas D. Coolbangh	05456.105086 (BUR92008003	9969

78148 7590 04/28/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
GHYKA, ALEXANDER G

ART UNIT	PAPER NUMBER
2812	

MAIL DATE	DELIVERY MODE
04/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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042008

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1180 PEACHTREE ST.
ATLANTA, GA 30309

In re Application of: Douglas D. Coolbaugh et al. Serial No.: 12/062,262 Filed: April 3, 2008 Docket: 05456.105086 (BUR920080038US1) Title: METHOD AND STRUCTURE FOR BALLAST RESISTOR	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. §1.102

This is a decision on the petition filed on April 3, 2008, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d) and M.E.P.E.P. §708.02(a).

The petition to make the application special is DISMISSED.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. §1.102(d), M.P.E.P. §708.02(a) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 C.F.R. §1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 C.F.R. §1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed;

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 C.F.R. §1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 C.F.R. §1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The application is eligible for the accelerated examination program as set forth in section I above.

The petition meets conditions II.1 through II.5; II.6.1 through 6.4 and II.6.6 above. However, the petition does not meet conditions II.6.5 above.

Regarding condition set forth in II.6.5 above, the examination support document must point out where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. In the instant petition, the examination support document only refers to where support for each of the claims is found in the specification but does not show where support of each limitation in the claims is found. Specifically, it is stated "[s]upport for claim 1 in the disclosure under 35 U.S.C. § 112, first paragraph, is found at least in paragraphs [0022] and [0026] of the specification, as well as in FIGS. 3 and 7." Paragraphs [0022] and [0026] do not discuss the support for the recitation "forming a metal pad over and in contact with a second end of the contact bar in the longitudinal direction; whereby the resistance of the ballast resistor is substantially determined by the ratio of the longitudinal dimension to the transverse dimension" of claim 1. Accordingly, the petition fails to meet conditions II.6.5 above for special status.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a) is available) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,262	04/03/2008	Douglas D. Coolbangh	05456.105086 (BUR92008003	9969

78148 7590 06/26/2008
KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

EXAMINER
GHYKA, ALEXANDER G

ART UNIT	PAPER NUMBER
2812	

MAIL DATE	DELIVERY MODE
06/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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KING & SPALDING
1180 PEACHTREE ST.
ATLANTA, GA 30309

In re Application of: Douglas D. Coolbaugh et al. Serial No.: 12/062,262 Filed: April 3, 2008 Docket: 05456.105086 (BUR920080038US1) Title: METHOD AND STRUCTURE FOR BALLAST RESISTOR	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. §1.102

This is a decision on the Request for Reconsideration of Dismissal of Petition to Make Special filed on May 28, 2008. The request is being treated as a renewed petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(a).

The renewed petition to make the application special is **DENIED**.

A petition to make the application special was initially filed on April 3, 2008. The petition was dismissed in a decision mailed April 28, 2008. The decision was re-mailed on May 20, 2008.

As indicated in the decision of May 10, 2008, a grantable petition to make special in the instant application must meet condition II. 6.5. that requires "a showing of **where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification**. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; The petition was dismissed because the examination support document fails point out where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification." (emphasis added).

As originally filed, the examination support document only refers to where support for **claim 1 (the sole claim)** is found in the specification but **does not show where support for each limitation in the claim is found**. Specifically, it was stated "[s]upport for claim 1 in the disclosure under 35 U.S.C. § 112, first paragraph, is found at least in paragraphs [0022] and [0026] of the specification, as well as in FIGS. 3 and 7." The petition was dismissed for failing to meet condition II.6.5.

In the renewed petition, the showing of support under 35 USC 112, first paragraph, for the claim has been modified to read as follows: "Support for claim 1 in the disclosure under 35 U.S.C. § 112, first paragraph, is found at least in paragraphs [0015] through [0027] of the specification, as well as in FIGS. 3 and 7." The Detailed Description section of the specification contains paragraphs [0015] through [0029]. The broad reference to paragraphs [0015] through [0028] that contain almost the entire written detailed description of the invention and to Figs. 3 and 7 for support under 35 USC 112, first paragraph, for claim 1 does not meet the requirement that the examination support document **points out where each limitation** of the claim finds support under 35 USC 112, first paragraph, in the written description. As such, the petition fails to point out where each limitation in claim 1 finds support in the written description as required under condition II.6.5 above to be accorded special status under the accelerated examination procedure as outlined in M.P.E.P. § 708.02(a).

DECISION

As indicated in the prior decision, petitioner was given one single opportunity to perfect the petition. The renewed petition does not does not meet all the requirements to make the application special because it fails to point out where the support within the meaning of 35 USC 112, first paragraph, for each limitation of the claim. The petition must be denied. The application will be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-1606.

Hien H. Phan, Quality Assurance Specialist
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O. Box 10500
Mclean, VA 22102

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AUG 2 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Shuxiang Dong	:	
Application No. 12/062,327	:	DECISION ON PETITION
Filed: April 3, 2008	:	TO WITHDRAW
Attorney Docket No. 019921-0369029	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Mark J. Danielson 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 Danielson at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Shuxiang Dong**
c/o Hai Jiang
2927 Calle De La Mesa
Pleasanton, CA 94566

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
12/062,327	04/03/2008	Shuxiang Dong	019921-0369029

CONFIRMATION NO. 1083

POWER OF ATTORNEY NOTICE

27498
PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O. BOX 10500
MCLEAN, VA 22102

OC000000037511380

Date Mailed: 08/25/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/22/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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LARSON NEWMAN ABEL & POLANSKY, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78730

MAILED

JUL 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Egan et al.	:	DECISION ON PETITION
Application No. 12/062,357	:	TO WITHDRAW
Filed: April 3, 2008	:	FROM RECORD
Attorney Docket No. 1009-005-D	:	

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 4, 2008.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to Alicia Kelley at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Egan et al.	:	DECISION ON PETITION
Application No. 12/062,357	:	TO WITHDRAW
Filed: April 3, 2008	:	FROM RECORD
Attorney Docket No. 1009-0005-D	:	

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 on August 14, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted herein still cannot be approved.

Petitioner should note that the Office will only accept correspondence address changes to the most current address information provided the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, **or**, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Non Final Office action mailed July 6, 2009, that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

LARSON NEWMAN & ABEL, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN TX 78730

In re Application of Egan et al. Application No. 12/062,357 Filed: April 3, 2008 Attorney Docket: 1009-005-D	: : : : :	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 December 22, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 J. Gustav Larson, on behalf of all practitioners of record who are associated with Customer Number 34456.

All attorneys/agents associated with the Customer Number 34456 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.

The application is currently abandoned for failure to respond to the Office action mailed July 6, 2009.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: KENNETH W. EGAN
7907 DOWNING STREET
AUSTIN, TX 78759

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/062,357	04/03/2008	Kenneth W. Egan	1009-0005-D

CONFIRMATION NO. 1135

POWER OF ATTORNEY NOTICE

34456
LARSON NEWMAN & ABEL, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78730

OC000000039711289

Date Mailed: 01/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/22/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,370	04/03/2008	Rajesh Pravin Thakkar	IN920070090US1/IBMSP011	1173

67257 7590 12/08/2008
ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER

ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
12/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ZILKA-KOTAB, PC- IBMS
P.O. BOX 721120
SAN JOSE CA 95172-1120

In re Application of:
Rajesh Pravin Thakkar
Serial No.: 12/062,370
Filed: April 3, 2008
Docket: IN920070090US1/IBMSP011
Title: METHOD FOR VIRTUALIZATION OF INPUT DEVICES FOR PARALLEL EXECUTION OF TEST AUTOMATION SCRIPTS

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 3, 2008 and the supplemental documents filed December 2, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719.

/Kakali Chaki/

Kakali Chaki
Quality Assurance Specialist
Technology Center 2100

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HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

MAILED

MAY 07 2009

OFFICE OF PETITIONS

In re Application of
MO, Li et al.
Application No. 12/062,404
Filed: April 03, 2008
Attorney Docket No. **39240.9**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 08, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Wei Wei Jeang on behalf of all attorneys of record who are associated with customer No. 27683. All attorneys/agents associated with the Customer Number 27683 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Joe Smith at the address indicated below.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor or at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **LI MO**
4585 SPENCER DR.
PLANO TX 75024

cc: **ZHU LU, PH.D.**
CONNOLLY BOVE LODGE & HUTZ LLP
THE NEMOURS BUILDING
1007 NORTHORANGE STREET
WILMINGTON DE 19899

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MAY 01 2008
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
POTOMAC MD 20854

In re Application of:
CAMPION, NICHOLAS FRANCIS
Serial No.: 12/062,450
Filed: April 03, 2008

Title: **CONFERENCE CALL PEER-DRIVEN DEGRADED LINE DETECTION AND REMOVAL**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 03, 2008 requesting that the above-identified application be made special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,454	04/03/2008	Jeffrey Alan Schmidt	ROC9200070661US1	1315

75749 7590 05/09/2008
MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
POTOMAC, MD 20854

EXAMINER

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
05/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MAY 0 8 2008

TECHNOLOGY CENTER 3600

MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
POTOMAC, MD 20854

In re application of
Shah
Application No. 12/062,454
Filed: April 03, 2008
For: GROUPED FILTER RULES FOR WORKFLOW APPLICATION UPDATE NOTIFICATIONS

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on April 03, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination (AE)" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts

in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with condition II.6.5.

For condition II.5.2, applicant's search has been considered acceptable. However, applicant has used the USPTO web based NPL search template for class 703/1. The office has classified the application in 705/7. Please use the NPL search template for class 705/7 for future searches.

For condition II.6.5, an accelerated examination support document must include a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification.

Per MPEP 2163, "The 'written description' requirement implements the principle that a patent must describe the technology that is sought to be patented; the requirement serves both to satisfy the inventor's obligation to disclose the technologic knowledge upon which the patent is based, and to demonstrate that the patentee was in possession of the invention that is claimed." *Capon v. Eshhar*, 418 F.3d 1349, 1357, 76 USPQ2d 1078, 1084 (Fed. Cir. 2005). An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas <u>that fully set forth</u> the claimed invention. *Lockwood v. American Airlines, Inc.,* 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997). The citation of the mere copying of the exact claim language into the specification does not comply with the requirement.

In order to comply with the II.6.5 requirement, one must show the portions of the specification that disclose that applicant was in possession of the claimed invention. For example, in the instant application, claim 1, first limitation,

"presenting filter rule template to a user;"	Figure 2 shows a filter rule template. Figure 1 shows the user interface 110 receiving the filter rule template.

As an aside, applicant should be mindful of 37 CFR 1.83, Content of Drawings, "The drawing in a nonprovisional application must show every feature of the invention specified in the claims."

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633. Inquiries may also be directed to Michael Cuff at (571) 272-6778.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/MAC/05/07/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,454	04/03/2008	Jeffrey Alan Schmidt	ROC9200070661US1	1315

75749 7590 07/07/2008
MAXVALUEIP CONSULTING LLC
11204 ALBERMYRTLE ROAD
POTOMAC, MD 20854

EXAMINER

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
07/07/2008	PAPER

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The time period for reply, if any, is set in the attached communication.

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JUL 0 3 2008

TECHNOLOGY CENTER 3600

MAXVALUEIP CONSULTING LLC
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In re application of
Schmidt
Application No. 12/062,454
Filed: March 12, 2008
For: GROUPED FILTER RULES FOR WORKFLOW APPLICATION UDATE NOTIFICATION

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on April 3, 2008 and the supplemental petition documents filed June 9, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

    If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633. Inquires may also be directed to Romain Jeanty at (571) 272-6732.

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/RJ/7/2/08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,465	04/03/2008	Shlomo Hoory	IL920080054US1	1345

78754 7590 12/22/2008
IBM-ACC-Washington
c/o Myers Dawes Andras & Sherman, LLP
19900 MacArthur Blvd.
11th Floor
Irvine, CA 92612

EXAMINER
VINCENT, DAVID ROBERT

ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
12/22/2008	PAPER

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Irvine CA 92612

In re Application of: Schlomo Hoory et al. Serial No.: 12/062,465 Filed: April 3, 2008 Docket: IL920080054US1 Title: METHOD AND SYSTEM FOR AUTOMATED EXPERTISE EXTRACTION	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 3, 2008 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I.1 – I.4, II.5.3, II.6.4 and II.6.6 above are considered to have been met. However, the petition fails to comply with conditions II.5.1, II.5.2, II.6.1, II.6.2, II.6.3, and II.6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding item II.5 and 5.1 above, based upon the claimed subject matter of the instant application, a search in the following class and subclass (where the application has been classified and docketed) is recommended in order to provide full coverage of where the most pertinent references are most likely to be found: class 706, subclass 46 (Knowledge Processing System including Knowledge Representation and Reasoning Technique). Petitioner is required to perform a search in this area or provide justification with reasonable certainty why no references more pertinent than those already identified are likely to be found in the above class and subclass. Further, the preexamination search document does not identify the date of the Class/subclass searched. Correction is required.

With respect to item II.5.2 above, none of the U. S. Patent, Foreign Patent and Non-Patent Literature (NPL) searches appear to include a search for the features recited in the claim, all of which have been asserted as patentable features , distinguishing the claimed invention from the cited prior art. Each of the search queries submitted in the preexamination search document only includes a broad combination of a few keywords used in the claim by "ANDing" them together, but the queries do not cover any of the features recited in the claim. Petitioner should review all claim limitations, Patent search and the NPL search cover these concepts, and update the search and/or provide any clarifications if deemed necessary.

Regarding the requirement of item 6.1 above, while petitioner lists a total of eight (8) U. S. and foreign Patent documents on the Information Disclosure Statement (IDS) filed with the petition, the Support Document only identifies three (3) of those documents as most closely related to the claimed subject matter. Petitioner is required to include a discussion of each of the documents listed on the IDS but not discussed in the Support Document, or if the documents omitted from the Support Document are deemed not required in the Support Document, submit these documents in a separate IDS in compliance with 37 CFR 1.97 and 1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, Applicant should clearly identify the separate IDS that is not in support of the petition. It is noted that any reference submitted in a separate IDS that is not part of an IDS will be treated as representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the IDS of the AESD. Correction is required.

Regarding the requirement of MPEP § 708.02(a)(I.)(I)(3) and item 6.2 above, the Accelerated Examination Support Document (AESD) does not ***identify each claim limitation*** believed to be

disclosed by the references. The Accelerated Examination Support Document only provides a general discussion of each of the references discussed therein, without clearly identifying any claim limitations disclosed by the respective reference along with specific location within the reference where the limitations are believed to be disclosed within each reference. Applicant should provide a ***claim-by-claim mapping*** of the pertinent subject matter disclosed in each of the references, ***specifically identifying each claim limitation*** and ***corresponding disclosure within the reference***, citing to specific relevant portions of each reference. The USPTO website has an example of the proper manner of documenting limitations taught by cited art for an Accelerated Examination Support Document at: http://www.uspto.gov/web/patents/accelerated/. Correction is required.

Regarding item 6.3 above, it should be noted that while applicant's detailed explanation of how each the sole claim is patentable over the cited references (Petitioner appears to assert that every reference fails to teach any of the steps recited in claim 1) is technically acceptable, not finding even one reference that teaches even one claimed limitation is another indication of the inadequacy of the search. It is assumed that after the supplemental search is completed new references will be found that better read on the claimed invention and will be properly analyzed in the Support Document include with any renewed petition. Clarification is required.

With respect to the requirement of MPEP § 708.02(a)(I.)(I)(5) and item 6.5 above, the Accelerated Examination Support Document only identifies a plurality of figures and one paragraph of text in the specification as providing support under 35 U.S.C. 112, First paragraph, but fails to identify any claim limitation and the corresponding support in the cited portions of specification. Clarification and identification of support for each limitation in claim 1 is required.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

It is noted that Applicant's representative was contacted by the undersigned on November 21, 2008 and again on December 5, 2008 in an attempt to obtain a supplemental examination support document correcting the deficiencies under items 6.1 and 6.5 above, so the examination of the application could be expedited to ensure a disposal within 12 months from filing under the Accelerated Examination program. However, the request did not result in filing of the required supplemental documents, and the undersigned was advised by the office of Applicant's representative to render a decision dismissing the petition filed on April 3, 2008.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3719. If attempts to reach the undersigned are unsuccessful, Mano Padmanabhan, Quality Assurance Specialist, Technology Center 2100 can be reached at (571)272-4210.

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,465	04/03/2008	Shlomo Hoory	IL920080054US1	1345

78754 7590 01/30/2009
IBM-ACC-Washington
c/o Myers Dawes Andras & Sherman, LLP
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Irvine, CA 92612

EXAMINER
BUSS, BENJAMIN J

ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
01/30/2009	PAPER

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In re Application of: Schlomo Hoory et al. Serial No.: 12/062,465 Filed: April 3, 2008 Docket: IL920080054US1 Title: METHOD AND SYSTEM FOR AUTOMATED EXPERTISE EXTRACTION	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on January 22, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on April 3, 2008 was dismissed in the decision mailed on December 22, 2008.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Kakali Chaki at (571) 272-3719.

/Kakali Chaki/

Kakali Chaki, Quality Assurance Specialist
Technology Center 2100

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/01/10

TO SPE OF : ART UNIT ~~2416~~ 2464

SUBJECT : Request for Certificate of Correction for Appl. No 12/062477.: 7630376 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Should the change(s) Be made?

RoChaun Johnson
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE

2464
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

THE LAW OFFICE OF KIRK D. WILLIAMS
PO BOX 39425
DENVER, CO 80239-0425

Mail Date: 04/21/2010

Applicant	: John J. Williams JR.	: DECISION ON REQUEST FOR
Patent Number	: 7630376	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/062,477	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/03/2008	: 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.

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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
BOSTON MA 02210-2206

COPY MAILED

JAN 12 2009

OFFICE OF PETITIONS

In re Application of Peter Murin and Hynek Saman Application No. 12/062,576 Filed: April 4, 2008 Attorney Docket No. S1022.71265US00 Title: AMPLIFIER HAVING AN OUTPUT PROTECTION, IN PARTICULAR OPERATIONAL AMPLIFIER FOR AUDIO APPLICATION	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to the "Petition under 37 C.F.R. 1.47(b)," filed on November 26, 2008, which is being treated as a petition pursuant to 37 C.F.R. § 1.47(a).

This petition is **DISMISSED**.

On April 4, 2008, the application was filed, identifying Peter Murin and Hynek Saman as joint inventors. The application was deposited with a declaration that was executed by Mr. Murin. On May 5, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (first notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

On August 15, 2008, Petitioner submitted another partially executed declaration, along with, *inter alia*, a two-month

extension of time so as to make timely the response and the surcharge that is associated with the late-submission of a declaration.

On August 25, 2008, the Office mailed a "Notice of Incomplete Reply (Nonprovisional Application - Filing Date Granted" (second notice), indicating that a fully executed declaration would be required. This second notice did not restart the period for response.

This petition was submitted on November 26, 2008, along with a four-month extension of time so as to make timely this petition.

The two-month extension of time, submitted on August 15, 2008, will be refunded to Petitioner in due course.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of 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.

With this petition, Petitioner has further included, *inter alia*, the petition fee, the last known address of Mr. Saman, and an assertion that this individual cannot be located.

Petitioner has met requirements (1) - (3) and (5) of 37 C.F.R. § 1.47(a).

<u>Regarding the fourth requirement of 37 C.F.R. § 1.47(a)</u>, 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.

First, Petitioner has provided a print-out of a web-based search (labeled as Exhibit F). This submission has not been considered by the undersigned, as it is in a foreign language, and the English translation is nonsensical.

Secondly, Petitioner has indicated that the Assignee sent a letter to the last known address of the non-signing inventor in the Czech Republic. No statement from the sender of this letter has been included with this petition. Moreover, it is noted that the letter is in English, and the record is unclear as to whether the intended recipient, a citizen and a resident of the Czech Republic, would be capable of understanding a letter written in this language. Thus, in the absence of an express statement from one having firsthand knowledge of the fact that Mr. Saman can read the English language, the record is unclear if this letter was written in the language of the recipient, and there is as of this writing no basis to presume that the letter was in a form that could be read and comprehended, had it been received.

Third, the record is unclear as to why this letter was not successfully delivered. On the second page of the petition, Petitioner indicates that DHL Express delivery was utilized, and the delivery was "not successful." Petitioner has included a copy of the "routing list" (labeled as exhibit E), which consists of a print-out from DHL's website. However, the contents thereof cannot be discerned by the undersigned, as they are in a language other than English, and it does not appear that a translation has been provided.

Fourth, Petitioner has provided a copy of the search, and it is clear that the International telephone directory search was narrowly tailored to only search for records in the city of Beroun, Czech Republic. It is noted that Petitioner has further indicated that the web-based search was also narrowly tailored to this town. It is plausible that Mr. Saman has since moved from this town, and as such, the search was too narrow to constitute a diligent search: therefore, it does not appear that this search was sufficiently broad so as to provide a reasonable chance of success.

Finally, Petitioner does not appear to know whether the last known address is a valid address. A phone call was placed to this address, however the individual who placed this call to the Czech Republic is not fluent in Czech,[1] and was not able to converse with the woman who answered

1 Teja declaration of facts, paragraph 5.

the phone.[2] Petitioner has not established what language the woman spoke, however it seems likely that the language was Czech.

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Petitioner should note that any statement that appears therein should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

Alternatively, if Petitioner is in a position to assert that this last known address is a valid address for the non-signing inventor, before filing the renewed petition, Petitioner should mail a complete copy of the application to the non-signing joint inventor, and provide him with a reasonable period of time to respond. Petitioner will need to establish that the document is written in the language of the recipient.

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,[3] hand-delivery,[4] or facsimile.[5] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[6]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[7] All other inquiries

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2 The attorney who placed this call attempted to speak with her in the English and Italian languages. Id.
3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300- please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded

concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
BOSTON MA 02210-2206

COPY MAILED

JUL 20 2009

OFFICE OF PETITIONS

In re Application of :
Peter Murin and Hynek Saman :
Application No. 12/062,576 :
Filed: April 4, 2008 :
Attorney Docket No. :
S1022.71265US00 :
Title: AMPLIFIER HAVING AN :
OUTPUT PROTECTION, IN :
PARTICULAR OPERATIONAL :
AMPLIFIER FOR AUDIO APPLICATION :

DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to renewed petition pursuant to 37 C.F.R. § 1.47(a), filed July 2, 2009.

This renewed petition is **DISMISSED**.

On April 4, 2008, the application was filed, identifying Peter Murin and Hynek Saman as joint inventors. The application was deposited with a declaration that was executed by Mr. Murin. On May 5, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (first notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

On August 15, 2008, Petitioner submitted another partially executed declaration, along with, *inter alia*, a two-month extension of time so as to make timely the response and the surcharge that is associated with the late-submission of a declaration.

On August 25, 2008, the Office mailed a "Notice of Incomplete Reply (Nonprovisional Application - Filing Date Granted" (second notice), indicating that a fully executed declaration would be required. This second notice did not restart the period for response.

An original petition pursuant to 37 C.F.R. § 1.47(a) was submitted on November 26, 2008, and was dismissed via the mailing of a decision on January 12, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of 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.

With the original petition, Petitioner included, *inter alia*, the petition fee, the last known address of Mr. Saman, and an assertion that this individual cannot be located. The decision on the original petition indicated that requirements (1) - (3) and (5) of 37 C.F.R. § 1.47(a) had been satisfied.

The decision on the original petition indicated that the fourth requirement of 37 C.F.R. § 1.47(a) had not been met, as Petitioner indicated "…Hynek Saman cannot be found or reached after diligent effort,"[1] however the record did not support a finding that diligent efforts had been made to attempt to locate the non-signing inventor.

With this renewed petition, Petitioner has included a four-month extension of time so as to make timely this response. Moreover, Petitioner has reiterated that a copy of the declaration and the assignment was sent to the last-known address of the non-singing inventor,[2] and has indicated that a relative signed for the package. As such, it appears that Petitioner is still unsure as to the whereabouts of the non-signing inventor.

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1 Original petition, page 1.
2 Renewed petition, page 1.

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. *As petitioner has set forth that the non-signing joint inventor cannot be found or reached, petitioner is required to establish that a diligent effort was made to locate the non-signing inventor.* However the renewed petition is silent as to any additional search that might have been performed for Mr. Saman. There is no indication that the Rule 47 applicant attempted to verify the address of the non-signing inventor or to determine his forwarding address, and to send the complete application papers[3] to that address for consideration by the inventor.[4] Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-mail, telephone, and the Internet. If this search is sufficiently broad so as to provide a reasonable opportunity to locate this individual, and it is then averred that such attempts failed, then Petitioner will have provided the necessary proof required under 37 C.F.R. § 1.47 that the non-signing inventor cannot be reached. Details of the efforts to locate the non-signing inventor are to be set forth in an affidavit or declaration of facts by a person having first hand knowledge of the details.

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Petitioner should note that any statement that appears therein should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

Alternatively, if Petitioner is in a position to assert that this last known address is a valid address for the non-signing inventor, before filing the renewed petition, Petitioner should mail a complete copy of the application to the non-signing joint inventor, and provide him with a reasonable period of time to respond. Petitioner will need to establish that the document is written in the language

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3 It is noted that a copy of the letter that was sent to the non-signing inventor was included with the original petition. The letter has been reviewed by the undersigned, and it does not appear that a complete copy of the application was included therewith.
4 See MPEP § 409.03(d).

of the recipient.

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] All other inquiries concerning examination procedures should be directed to the Technology Center.

Paul Shanoski

Paul Shanoski
Senior Attorney
Office of Petitions

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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.

STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
BOSTON MA 02210-2206

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of :
Peter Murin and Hynek Saman :
Application No. 12/062,576 :
Filed: April 4, 2008 :
Attorney Docket No. :
S1022.71265US00 :
Title: AMPLIFIER HAVING AN :
OUTPUT PROTECTION, IN :
PARTICULAR OPERATIONAL :
AMPLIFIER FOR AUDIO APPLICATION :

DECISION ON SECOND RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.47(A)

This is in response to second renewed petition pursuant to 37 C.F.R. § 1.47(a), filed November 2, 2009.

This second renewed petition is **GRANTED**.

On April 4, 2008, the application was filed, identifying Peter Murin and Hynek Saman as joint inventors. The application was deposited with a declaration that was executed by Mr. Murin. On May 5, 2008, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (first notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

On August 15, 2008, Petitioner submitted another partially executed declaration, along with, *inter alia*, a two-month extension of time so as to make timely the response and the surcharge that is associated with the late-submission of a declaration.

On August 25, 2008, the Office mailed a "Notice of Incomplete Reply (Nonprovisional Application - Filing Date Granted" (second notice), indicating that a fully executed declaration would be required. This second notice did not restart the period for response.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known address of 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.

An original petition pursuant to 37 C.F.R. § 1.47(a) was submitted on November 26, 2008, and was dismissed via the mailing of a decision on January 12, 2009, which indicated that requirements (1) - (3) and (5) of 37 C.F.R. § 1.47(a) had been satisfied.

A renewed petition pursuant to 37 C.F.R. § 1.47(a) was filed on July 2, 2009 (along with a four-month extension of time so as to make timely the response), and was dismissed via the mailing of a decision on July 20, 2009, which indicated that the record did not support a finding that diligent efforts had been made to attempt to locate the non-signing inventor.

With this second renewed petition, Petitioner has submitted a two-month extension of time so as to make timely this response. Petitioner has further included evidence which establishes that diligent efforts had been made to attempt to locate the non-signing inventor. As such, the fourth requirement of 37 C.F.R. § 1.47(a) has been satisfied.

It follows that each of the five requirements of 37 C.F.R. § 1.47(a) has been satisfied. 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 that appears in the declaration submitted on

August 15, 2008. Notice of the filing of this application will also be published in the *Official Gazette*.

The Office of Patent Application Processing (OPAP) will be notified of this decision, 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.

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

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1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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DEC 07 2009
OFFICE OF PETITIONS

Hynek Saman
Pizenska 77
26601 Beroun
CZECH REPUBLIC

In re Application of	:	
Peter Murin and Hynek Saman	:	
Application No. 12/062,576	:	
Filed: April 4, 2008	:	LETTER
Attorney Docket No.	:	
S1022.71265US00	:	
Title: AMPLIFIER HAVING AN	:	
OUTPUT PROTECTION, IN	:	
PARTICULAR OPERATIONAL	:	
AMPLIFIER FOR AUDIO APPLICATION	:	

Dear Mr. Saman:

You are named a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application, you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost 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, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. 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).

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: STMicroelectronics Inc.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
BOSTON MA 02210-2206

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Bausch & Lomb Incorporated
One Bausch & Lomb Place
Rochester NY 14604-2701

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OCT 01 2008

OFFICE OF PETITIONS

In re Application of	:	
Kaslow et al.	:	
Application No. 12/062585	:	
Filing or 371(c) Date: 04/04/2008	:	
Attorney Docket Number:	:	DECISION
P03560	:	ON PETITION

This is a decision in response to the "Submission of Drawings Under 37 C.F.R. § 1.57(a)," filed May 14, 2008. The submission is properly treated as a petition under 37 CFR 1.57(a).

The petition is granted to the extent indicated below.

Background

The application was filed on April 4, 2008. On April 28, 2008, the Office of Patent Application Processing mailed a Notice of Incomplete Provisional Application (hereinafter "Notice"), informing Applicant, *inter alia*, that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the present petition and request inclusion of the inadvertently omitted drawings, based upon a priority claim to a prior-filed application in accordance with 37 CFR 1.57(a).

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained composition and method claims. The MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition claims.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the present petition requests a filing date of April 4, 2008 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, no petition fee has been charged, and none is due.

Pursuant to this decision, the application will be referred to OPAP for:

X **correction of the filing date to April 4, 2008**;
X **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
X **for issuance of a filing receipt.**

An amendment is required to enter the drawings. Entry of an amendment will be determined by the examiner.

Telephone inquiries concerning this matter should be directed to Attorney Derek Woods at (571) 272-3232.

Anthony Knight
Supervisor
Office of Petitions

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12062647	Confirmation Number	1698	Filing Date	2008-04-04
Attorney Docket Number (optional)	A042 P01434-US1	Art Unit		Examiner	
First Named Inventor	SWAN				
Title of Invention	QUICK DETACH MOUNT WITH LATCHING ASSEMBLY				

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
RICHARD	E.	SWAN	

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	/stephen j. holmes/	Date (YYYY-MM-DD)	2008-04-04
Name	Stephen J. Holmes	Registration Number	34621

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES 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 :
Richard E. Swan :

Application No. 12062647 :DECISION ON PETITION TO MAKE SPECIAL
Filed: :UNDER 37 CFR 1.102(c)(1)
:

Attorney Docket No. A042 P01434-US1

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 04-APR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON DC 20006

COPY MAILED

JUN 18 2008

OFFICE OF PETITIONS

In re Application of	:	
In Kim, Sang-Deok Kim and Kyung-Yol Yon	:	DECISION GRANTING STATUS
Application No. 12/062,654	:	UNDER 37 CFR 1.47(a)
Filed: April 4, 2008	:	
Attorney Docket No. 101-1563	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 20, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Sang-Deok Kim has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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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Mr. Sang-Deok Kim
1212-308 Jugong Apt.
Cheolsan 3-dong, Gwangmyeong-si
Gyeonggi-do, Republic of Korea

COPY MAILED

JUN 18 2008

OFFICE OF PETITIONS

In re Application of
In Kim, Sang-Deok Kim and Kyung-Yol Yon
Application No. 12/062,654
Filed: April 4, 2008
Attorney Docket No. 101-1563

Dear Mr. Kim:

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 Charlema Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

cc: STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON DC 20006

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.
12/062,679	04/04/2008	Yuuichiro Kato	008312-0369450	1755

EXAMINER

7590 09/11/2009
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

ART UNIT	PAPER NUMBER
2189	

MAIL DATE	DELIVERY MODE
09/11/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Niomi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/11/2009 NFARMER
04/04/2008 INTEFSW 00006305 033975 12062679
02 FC:1111 510.00 CR

FORM PET651G (Rev. 08/07)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 8, 2010

TO SPE OF : ART UNIT 1626 - SPE Joseph K. McKane.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/062,759 Patent No.: 7,612,104 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Antonio Johnson

Should the changes to the claims be approved as requested by applicant? See COCIN dated 02-05-2010

Certificates of Correction Branch

(571)272-0483

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: _____

/Joseph K. McKane/

SPE, Art Unit 1626

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE Art Unit

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Levenfeld Pearlstein, LLC (ILLINOIS TOOL WORKS)
2 North LaSalle Street
Suite 1300
Chicago, IL 60602

Mail Date: 04/21/2010

Applicant	: Yongping Gong	: DECISION ON REQUEST FOR
Patent Number	: 7682118	: RECALCULATION of PATENT
Issue Date	: 03/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/062,781	: OF WYETH
Filed	: 04/04/2008	:
		:

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,833	04/04/2008	Michal Bortnik	MSFT-6270	1038

41505 7590 02/03/2010
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

EXAMINER
WERT, JOSHUA P

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
02/03/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

In re Application of: BORTNIK, MICHAL et al Serial No. 12/062,833 Filed: April 4, 2008 Docket: MSFT-6270 Title: **MULTILEVEL ONLINE TOURNAMENT**	DECISION ON PETITION UNDER 37 CFR 1.59

This is a decision on the petition filed October 20, 2009 requesting expunge of document. In the petition, petitioner requests expunge of the Notice of Appeals filed on October 16, 2009 because the Notice of Appeal was filed by mistake and was intended for another application.

The petition is **granted**.

The USPTO does not remove any papers filed in an application. However, since the applicant has mistakenly filed the wrong documents on October 16, 2009, the Notice of Appeal filed on October 16, 2009has been blocked from public view in the Public Pair system.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED

Donald T. Hajec, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

RECEIVED
DEC 22 2008
OFFICE OF PETITIONS

In re Application of	:	
Raij et al.	:	ON PETITION
Application No. 12/062,840	:	
Filed: 04/04/2008	:	
Attorney Docket No. 043965/342689	:	
Title: SYSTEM AND METHOD FOR	:	
PROVIDING HEALTH CARE SERVICES	:	

This is in response to the petition under 37 CFR 1.47(a), filed September 23, 2008. Applicants obtained an extension of time for response within the third month. Accordingly, the petition is filed timely.

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.

Initially, the Office notes that the present petition lacks a signature in compliance with 37 CFR 1.4(d) and 1.33(b). The Office notes that each piece of correspondence filed in an application, patent file or other proceeding in the USPTO, which requires a person's signature, must bear one of three types of signatures: (A) handwritten signature; (B) "S-signature;" or (C) Office Electronic Filing System (EFS) character coded signature. See 37 CFR 1.4(d).

Additionally, 37 CFR 1.33(b) states, in pertinent part:

> 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 patent practitioner of record appointed in compliance with § 1.32(b);

(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34;

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Accordingly, the Office cannot accept the petition because applicants failed to comply with the requirements of 37 CFR 1.4(d) and 1.33(b). Consequently, the present petition is dismissed and will not be addressed on the merits until applicant files a "renewed" petition bearing a signature.

The Office reminds applicants that they must provide the Office with a statement for all persons with firsthand knowledge of the refusal to sign the declaration, not solely the assignment documents. Furthermore, the Office notes:

> A refusal by an inventor to sign an oath or declaration **when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.** The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must

> be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

MPEP 409.03(d)(II) (emphasis added).

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

Correspondence may also be submitted via the Electronic Filing System (EFS-Web) of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,876	04/04/2008	Ki-Back Kim	678-3481	1135

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
12/10/2009	PAPER

7590 12/10/2009
THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD, CT 06103

COPY MAILED

OCT 2 4 2008

OFFICE OF PETITIONS

In re Application of :
Seror and Goerger :
Application No. 12/062,910 :
Filed: April 4, 2008 :
Attorney Docket No. 5224-0010 :
For: A Method of Reducing the Aerodynamic :
Noise Generated by an Aircraft :
Undercarriage :

Decision Refusing to Accord Status Under 37 CFR 1.47(b)

This is in response to the petition under 37 CFR 1.47(b) filed July 15, 2008.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
(2) an acceptable oath or declaration;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor;
(5) proof of proprietary interest; and
(6) proof of irreparable damage.

The petition lacks items (1), (2), and (5) set forth above.

As to item (1), Office policy requires a copy of an application be presented to an inventor in order to establish refusal to sign a declaration. Petitioner must establish the inventor was able to sign the declaration but refused to sign the declaration. An inventor is unable to sign a

declaration stating he or she has "reviewed and understands the application papers" when the inventor has not been presented with a copy of the application and therefore has not reviewed the application. In addition, until an inventor reviews the papers and reads the specification and claims, an inventor cannot know if he or she is actually an inventor of the claimed invention. The petition fails to state either non-signing inventor was presented with a copy of the application papers.

Any request for reconsideration should explicitly state each inventor has been sent a copy of the application. In the alternative, petitioner should send a copy of the application to the inventors along with instructions setting a deadline for the return of a signed declaration. The letter to the inventors should state that, if petitioner receives no reply from the inventors, petitioner will interpret the lack of reply as a refusal to sign the declaration. This sort of ultimatum lends support to a finding of refusal by conduct when a response is not received from any inventor. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as a certified mail return receipt, cover letter of instructions, telegram, etc.

Any request for reconsideration should also include a copy of the May 27, 2008 letter from inventor Seror indicating she would not sign any document. The May 27, 2008 letter is referenced in paragraph 12 of the affidavit in support of petition.

As to item (2), the record fails to show As to item (2), the declaration submitted with the petition is not in compliance with 37 CFR 1.63 and 1.64. Specifically, the declaration fails to set forth inventor Goerger's citizenship.

35 U.S.C. § 115 requires that the citizenship of the inventor be provided in an oath or declaration. A new oath or declaration in compliance with 37 CFR 1.63 and 1.64 is REQUIRED. See MPEP 409.03(a). Petitioner must make an attempt to ascertain inventor Goerger's citizenship, either through employee records, former co-workers, etc., and must provide a statement in the renewed petition that, on information and belief, the citizenship of the inventor is with a specified country, i.e., Germany, France, etc.

When preparing a new declaration, petitioner may wish to note the possible option of an attorney signing the new declaration rather than obtaining a signature of an officer of the assignee in a different country. 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, <u>or</u> the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation.

As to item (5), the petition fails to establish Rule 47 applicant has sufficient proprietary interest in the subject matter to justify the filing of the application. In requesting reconsideration, acceptable forms of proof may include:

(a) a copy of an employment agreement between the non-signing inventor and the Rule 47(b) applicant (company) which covers the invention,
(b) a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 47(b) applicant, or

(c) a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.

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

MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD, CT 06103

COPY MAILED

FEB 12 2009

OFFICE OF PETITIONS

In re Application of :
Seror and Goerger :
Application No. 12/062,910 :
Filed: April 4, 2008 :
Attorney Docket No. 5224-0010 :
For: A Method of Reducing the Aerodynamic :
Noise Generated by an Aircraft :
Undercarriage :

Decision Refusing to Accord
Status Under 37 CFR 1.47(b)

This is in response to the petition under 37 CFR 1.47(b) filed December 23, 2008.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A prior decision mailed October 24, 2008, dismissed a petition under 37 CFR 1.47(b) filed July 15, 2008.

The renewed petition satisfies many of the problems noted in the decision. For example, the petition provides the last known addresses for the two inventors:

Ms. Christelle Seror
33 Rule Paul Eluard
31170 Tournefuille
FRANCE

Mr. Yann Goerger
33 Rue Du President Coty
44240 LA Chapelle Sur Erdre
FRANCE

Unfortunately, the renewed petition fails to address one of the issues raised in the prior decision. The prior decision stated,

> Any request for reconsideration should also include a copy of the May 27, 2008 letter from inventor Seror indicating she would not sign any document. The May 27, 2008 letter is referenced in paragraph 12 of the affidavit in support of petition.

The renewed petition does not include a copy of the May 27, 2008 letter from inventor Seror referenced in paragraph 12 of Benjamin's affidavit. MPEP 409.02(II) states, "When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts."

A request for reconsideration and a copy of the letter from inventor Seror should be filed.

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

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MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD, CT 06103

COPY MAILED
MAR 23 2009
OFFICE OF PETITIONS

In re Application of	:	
Seror and Goerger	:	
Application No. 12/062,910	:	Decision According Status
Filed: April 4, 2008	:	Under 37 CFR 1.47(b)
Attorney Docket No. 5224-0010	:	
For: A Method of Reducing the Aerodynamic	:	
Noise Generated by an Aircraft	:	
Undercarriage	:	

This is in response to the renewed petition under 37 CFR 1.47(b) filed March 5, 2009.

The petition is **granted**.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses 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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MAR 01 2010

OFFICE OF PETITIONS

IP STRATEGIES
12 1/2 WALL STREET, SUITE E
ASHEVILLE, NC 28801

In re Application of	:	
Hyoun Myoung SHIN	:	
Application No. 12/062,913	:	DECISION ON PETITION
Filed: April 4, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **HONPT25**	:	

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 Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 25, 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 26, 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 with surcharge fee of $65, basic filing fee of $82, search fee of $270, examination fee of $110, (2) the petition fee of $810; 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 $865 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
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/062,933	04/04/2008	Matthias Weiss	WEISS-2	1259

20151 7590 03/19/2010
HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK, NY 10017

EXAMINER
HOOK, JAMES F

ART UNIT	PAPER NUMBER
3754	

NOTIFICATION DATE	DELIVERY MODE
03/19/2010	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):

INFO@FEIEREISENLLC.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK NY 10017

Applicant: Weiss et al.
Appl. No.: 12/062,933
Filing Date: April 4, 2008
Title: STRETCHABLE METAL TUBE
Attorney Docket No.: WEISS-2
Pub. No.: US 2008/0245435 A1
Pub. Date: October 9, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on March 16, 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

djustment date: 03/19/2010 KKING1
3/17/2010 INTEFSW 00002113 12062933
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Refund Ref:
03/19/2010 0030081342

Credit Card Refund Total: $300.00

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General Motors Corporation
Legal Staff
Mail Code 482-C23-B21
P.O. Box 300
Detroit, MI 48265-3000

Mail Date: 04/21/2010

Applicant	: Allen B. Rayl	: DECISION ON REQUEST FOR
Patent Number	: 7610897	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/062,938	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/04/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **22** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Jen-shih Lee

Application No. 12062944

Filed: April 4,2008

Attorney Docket No. 1029.002

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 03-JUL-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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PORTER WRIGHT MORRIS & ARTHUR, LLP
INTELLECTUAL PROPERTY GROUP
41 SOUTH HIGH STREET
28TH FLOOR
COLUMBUS OH 43215

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of James Robert Allen et al Application No.12/062,945 Filed: April 4, 2008 For: BREAD-AWAY PEDAL ASSEMBLY	:	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an executed declaration; replacement drawings and required fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed April 25, 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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MAR 12 2010

OFFICE OF PETITIONS

DARBY & DARBY PC
PO BOX 770
CHURCH STREET STATION
NEW YORK NY 10008-0770

In re Patent No. 7,594,490	:	
Issue Date: September 29, 2009	:	
Application No. 12/062,990	:	DECISION ON PETITION
Filed: April 4, 2008	:	
Attorney Docket No. 20295/1208647-US1	:	

This is a decision on the "REQUEST TO CORRECT THE ASSIGNEE UNDER 37 CFR 3.81(b)", filed October 21, 2009.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.[1] However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

(A) the processing fee required by 37 CFR 1.17(i);

(B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

---

[1] See 37 CFR 3.81.

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).[2]

Receipt of the $130 processing fee set forth in 37 CFR 1.17(i) and the $100 fee for the Certificate of Correction set forth in 37 CFR 1.20(a) is acknowledged.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

[2] MPEP 307.

2 5 AUG 2009

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Baker & Daniels LLP
300 North Meridian Street
Suite 2700
Indianapolis, IN 46204

In re Application of	:	
LEPINE et al.	:	
U.S. Application No.: 12/063,052	:	
PCT No.: PCT/IB2006/002163	:	DECISION
Int. Filing Date: 28 July 2006	:	
Priority Date: 12 August 2005	:	
Attorney's Docket No.: REUT-P0020	:	
For: THREE-PHASE CURRENT SENSOR	:	

This decision is issued in response to applicants' "Notification of Error in Entity Status under 37 CFR 1.28(c)" filed 07 July 2009. No petition fee is required.

BACKGROUND

On 06 February 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by the basic national fee for a large entity; a copy of the international application; and a preliminary amendment. The international application furnished by the International Bureau included an executed Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv).

On 15 February 2008, applicants filed "Notification of Change of Status under 37 CFR 1.27 and Request for Refund under 37 CFR 1.26 and 1.28(a)." (Applicants' deposit account was refunded $465 on 18 March 2008 and the application was considered a small entity.)

On 07 July 2009, applicants filed "Notification of Error in Entity Status under 37 CFR 1.28(c)."

DISCUSSION

Applicants state in "Notification of Error in Entity Status under 37 CFR 1.28(c)" filed 07 July 2009 that "applicants notify the Commissioner that the applicant in the above-identified patent (application) is not entitled to pay fees as a small entity. Status as a small entity was established in good faith. . . " 37 CFR 1.28(c) provides:

> that if small entity status is established in good faith and the small entity fees are paid in good faith, and it later discovered that such status as a small entity was established in error or through the Office was not notified of a change, the error will be excused upon compliance with the separate submission and itemization requirements of 37 CFR 1.28(c)(1) and (c)(2) and the deficiency payment requirement of 37 CFR 1.28(c)(2) is calculated using the date on which deficiency was paid in full.

Applicants have fulfilled the requirements set forth in 37 CFR 1.28(c) and counsel's deposit account has been charged the appropriate fees under 37 CFR 1.492(a)-(c).

CONCLUSION

The request under 37 CFR 1.28(c) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (703) 308-6314
Fax: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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BAKER & DANIELS LLP
111 E. WAYNE STREET
SUITE 800
FORT WAYNE, IN 46802

Mail Date: 04/21/2010

Applicant	: Axel Feger	: DECISION ON REQUEST FOR
Patent Number	: 7651139	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/063,064	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/06/2008	: 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

0 6 AUG 2008

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Edward Langer
SHIBOLETH YISRAELI ROBERTS ZISMAN ET AL
1 Penn Plaza - Suite 2527
New York, NY 10119

In re Application of	:	
MAOR, et al.	:	
U.S. Application No.: 12/063,107	:	
PCT No.: PCT/IL06/00936	:	DECISION ON PETITION
Int. Filing Date: 10 August 2006	:	
Priority Date: 10 August 2005	:	UNDER 37 CFR 1.182
Attorney's Docket No.: 2307	:	
For: PORTABLE DIALER DEVICE AND METHOD	:	

This decision is in response to applicant's "Petition For Correction of International Application Number PCT/IL06/00936" filed 06 May 2008 in the United States Patent and Trademark Office (USPTO) to correct the error in the Electronic Filing Transmittal Letter filed 07 February 2008.

BACKGROUND

On 06 March 2008, applicant was mailed a communication detailing a discrepancy between the international application number used on the electronic transmittal letter filed 07 February 2008 and the international application number listed on the Form PTO-1390 transmittal letter. Application was afforded two months to file a petition under 37 CFR 1.182 to correct the issue.

On 06 May 2008, applicant filed the present petition under 37 CFR 1.182 to correct the international application number to PCT/IL06/00936.

DISCUSSION

The identifying information provided on the transmittal letter and other national stage papers filed by applicant on 07 February 2008, i.e., the title, applicant-inventor information, priority date, and international filing date all correspond to that of PCT/IL06/00936. For these reasons, as well as the explanation provided in the present petition, it has been concluded that the national stage papers filed 07 February 2008 sufficiently identified international application PCT/IL06/00936. Pursuant to petitioner's request, the national stage papers assigned U.S. application number 12/063,107 will be treated as a U.S. national stage submission for PCT/IL06/00936.

CONCLUSION

For the reasons above, applicant's "Petition Under 37 CFR 1.182" is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for national stage processing of U.S. application number 12/063,107 as the U.S. national stage application of PCT/IL06/00936.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/063,167		Yoshitsugu KITAMURA	072456	5027

38834 7590 03/31/2008
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
03/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

APR - 1 2008

In re Application of	**: DECISION ON REQUEST TO**
Yoshitsugu KITAMRUA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/063,167	**: PROSECUTION HIGHWAY**
Filed: February 7, 2008	**: PILOT PROGRAM AND PETITION**
Attorney Docket No.: 072456	**: TO MAKE SPECIAL UNDER**
For: METHOD OF PRODUCING POLARIZING PLATE WITH OPTICAL COMPENSATION LAYER AND IMAGE DISPLAY APPAATUS USING POLARIZING PLATE WITH OPTICAL COMPENSATION LAYER	**: 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 7, 2008 and supplemented on February 14, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:

   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

      Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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2 3 OCT 2009

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23552
MERCHANT & GOULD PC
P.O. Box 2903
Minneapolis MN 55402-0903

In re Application of :
JANG *et al* :
U.S. Application No.: 12/063,195 :
PCT No.: PCT/KR2006/002899 :
Int. Filing Date: 22 July 2006 :
Priority Date: 13 June 2006 :
Attorney Docket No.: 15792.0005USWO :
For: MATERIAL AND MANUFACTURING :
METHOD OF BIOACTIVE :
PROTEIN-CALCIUM PHOSPHATE :
COMPOSITE :

DECISION ON PAPERS FILED UNDER 37 CFR 1.42

This is a decision on the declaration filed on 16 July 2009 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 09 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. Applicants were given two months to respond with extensions of time available.

On 08 July 2008, applicants submitted a response which included the $130.00 surcharge fee and a declaration. However, the page containing the signatures on the declaration was illegible.

On 09 March 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration does not comply with 37 CFR 1.497(a) and (b) as it is not executed in accordance with 37 CFR 1.66 or 37 CFR 1.68. Applicants were given one month to respond.

On 24 March 2009, applicants filed a response which included a declaration executed by only two inventors, Ju Woong Jang and Kwang Il Lee. The international publication (WO 2007/145393) lists five inventors for PCT/KR2006/002899.

On 17 June 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration does not comply with 37 CFR 1.497(a) and (b) as three inventors (Hyang Kim, Young Bock Shim and Hyun Min Kim)

were missing. Applicants were given one month to respond.

On 16 July 2009, applicants filed a response which included a declaration executed by four of the five named inventors and by the legal representatives of a deceased inventor, Hyun Min Kim.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The citizenship, residence and address of all the joint inventors (including the deceased inventor) are listed on the declaration pursuant to 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1). In addition, the citizenship, residences and addresses of the legal representatives are recorded on the declaration pursuant to 37 CFR 1.497(b)(2).

Accordingly, the declaration submitted complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 22 July 2006 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 16 July 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

2 9 SEP 2008

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HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of: CHEN, Zewu, et al. :
U.S. Application No.: 12/063,334 :
PCT No.: PCT/US2006/028890 : DECISION ON PETITION
International Filing Date: 26 July 2006 :
Priority Date: 04 August 2005 :
Atty Docket No.: 0444.079A :
For: MONOCHROMATIC X-RAY BEAM :
FOR TRACE ELEMENT MAPPING :

The petition for revival under 37 CFR 1.137(b) filed 08 February 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2006/028890 became abandoned with respect to the United States at midnight on 04 February 2008 for failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. The petition also includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application is appropriately granted.

It is noted that applicant's 08 February 2008 submission included an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 08-1935 will be charged the $65 small entity surcharge for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 08 February 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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CHRISTOPHER & WEISBERG, P.A.
200 EAST LAS OLAS BOULEVARD
SUITE 2040
FORT LAUDERDALE FL 33301

MAILED

JUN 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Tomasz TROCZYNSKI, et al	:	
Application No. 12/063,375	:	DECISION ON PETITION
Filed: March 11, 2008	:	TO WITHDRAW
Attorney Docket No. 1418-3PUS	:	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 8, 2010.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorneys of record were not appointed through use of Customer Number 31292, as indicated. In this regard, since the attorneys of record were appointed by naming each attorney individually, any future request should indicate the same designation for withdrawing the attorneys.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: TOMASZ TROCZYNSKI
1050 EAST 57TH AVENUE
VANCOUVER, BC CANADA V5X IT6

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.
12/063,430	02/08/2008	Chienliu Chang	03500.135015.	7455

5514 7590 05/27/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER
NARAGHI, ALI

ART UNIT	PAPER NUMBER
2891	

MAIL DATE	DELIVERY MODE
05/27/2010	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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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of	**: DECISION ON REQUEST TO**
Chienliu CHANG	**: PARTICIPATE IN THE PATENT**
Application No.: 12/063,430	**: PROSECUTION HIGHWAY**
Filed: 08 February 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: 03500.135015.	**: TO MAKE SPECIAL UNDER**
For: SEMICONDUCTOR DEVICE	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 10 May 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, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;

3. Applicant must
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

7. The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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://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.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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PEPPER HAMILTON LLP
400 BERWYN PARK
899 CASSATT ROAD
BERWYN PA 19312-1183

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APR 2 1 2009

OFFICE OF PETITIONS

Applicant: Lindfors, et al.
Appl. No.: 12/063,438
International Filing Date: August 9, 2006
Title: PROCESS
Attorney Docket: 133087.27801(101976-1PUS)
Pub. No.: US 2008/0193534 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 14, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in claim1, wherein the phrase "a substantially" was incorrectly printed as "the substantially a substantially" in clause b.

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 printing the preliminary amendment to the claims may be an Office error, but the error is not a material Office error under 37 CFR 1.221. The misprint does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. A member of the public can understand the claim from the claim.

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[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKINSON WRIGHT, PLLC
1875 EYE STREET, NW
SUITE 1200
WASHINGTON, DC 20006

MAILED

JUL 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Christian Gierbauer	:	DECISION ON PETITION
Application No. 12/063,558	:	TO WITHDRAW
Filed: February 11, 2008	:	FROM RECORD
Attorney Docket No. 2005P11806 (NSN)	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 31, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 7, 2010 the power of attorney to Dickinson Wright, PLLC was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

2 9 JAN 2009

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1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

In re Application of	:	
Kubo et al.	:	
Application No.: 12/063,616	:	
PCT No.: PCT/JP2006/316121	:	
Int. Filing Date: 10 August 2006	:	DECISION
Priority Date: 12 August 2005	:	
Attorney Docket No.: JFE-08-1038	:	
For: Laminated Steel Sheet For Use In Two-Piece Can And Two-Piece Can Formed Of Laminated Steel Sheet:	:	

This is with regard to the "Request For Corrected Notice Of Acceptance" filed on 02 December 2008.

BACKGROUND

This international application was filed on 10 August 2006, designated the United States, and claimed an earliest priority date of 12 August 2005. The International Bureau transmitted a copy of the published international application to the USPTO on 22 February 2007. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 12 February 2008. Applicants timely filed *inter alia* the basic national fee on 12 February 2008.

On 12 August 2008, a Notification of Corrected Papers... was mailed to counsel, indicating that the drawings (and, implicitly, the English translation of the international application) were defective.

On 21 August 2008, applicants filed a response.

On 31 October 2008, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) reflecting a 35 U.S.C. 371(c)(1), (2) and (4) date of "08/21/2008" were mailed to applicants.

DISCUSSION

With respect to the Notice of Acceptance mailed on 31 October 2008, counsel observes that "There is an error under Date of Completion. Please change "02/12/2008' to –08/21/2008–." Inspection of said Notice of Acceptance reveals that it in fact shows a "Date of Completion Of All 35 U.S.C. 371 Requirements" of "02/12/2008," but review of the record reveals that 35 U.S.C. 371(c)(2) was not satisfied until an acceptable English translation of the drawings was filed on 21 August 2008. As such, the Notice of Acceptance mailed on 31 October 2008 was defective, and it is hereby **VACATED**.

DECISION

The request is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a new Notice of Acceptance (Form PCT/DO/EO/903) showing the correct 35 U.S.C. 371 completion date of **21 August 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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PAUL HASTINGS JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON, DC 20005

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of	:	
Andrzej Jankowski et al	:	
Application No. 12/063,635	:	DECISION ON PETITION
Filed: February 12, 2008	:	TO WITHDRAW
Attorney Docket No. 71-1003 POL0016-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 December 11, 2009.

The request is **APPROVED**.

The request was signed by Aslan Baghdadi on behalf of the practitioners of record associated with Customer Number 36183.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Andrzej Jankowski at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Andrzej Jankowski
ul. Sucharskiego 4 m.74
01-390 Warszawa, Poland

cc: HTL Spolka Akcyjna
UL. Daniszewska 4, 03-230
Warsaw 03-230
Poland

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/063,635	02/12/2008	Andrzej Jankowski	71-1003 POL0016-US

CONFIRMATION NO. 9697

POWER OF ATTORNEY NOTICE

36183
PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington, DC 20005

OC000000040757406

Date Mailed: 03/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/11/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/063,635	02/12/2008	Andrzej Jankowski	71-1003 POL0016-US

CONFIRMATION NO. 9697

POA ACCEPTANCE LETTER

Andrzej Jankowski
ul. Sucharskiego 4 m.74
Warszawa, 01-390
POLAND

OC000000040757416

Date Mailed: 03/29/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/11/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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2 6 JUN 2009

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Intellectual Property Department
Amylin Pharmaceuticals, Inc.
9360 Towne Centre Drive
San Diego CA 92121

In re Application of	:	
BARON et al.	:	
Application No.: 12/063,712	:	DECISION ON PETITION
PCT No.: PCT/US06/32661	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 21 August 2006	:	
Priority Date: 19 August 2005	:	
Attorney Docket No.: 0228US-UTL1	:	
For: NEW USES OF GLUCOREGULATORY PROTEINS	:	

This decision is issued in response to the petition under 37 CFR 1.137(b) filed 16 March 2009 to revive the above-entitled application.

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and the application remains abandoned.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notification of Missing Requirement (Form DO/EO/905) mailed 28 May 2008, which set forth a two (2) month time period for a response. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned at midnight on 28 July 2008.

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) and (3) have been satisfied. As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995. The terminal disclaimer fee will be refunded to Deposit Account no. 01-0535.

With regard to Item (1), the proper response was the submission of: (i) an oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b); (ii) the surcharge as set forth in 37 CFR 1.492(h) of $130; (iii) a copy of the 'sequence listing' in computer readable form as required by 37 CFR 1.821(e); and (iv) a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing.

Here, applicant has submitted a declaration executed by all the joint-inventors, the $130 surcharge as set forth in 37 CFR 1.492(h), and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing. However, the computer readable form, previously submitted on 13 February 2008, did not comply with the requirements of 37 CFR 1.821(e) as indicated on the 'Sequence Listing Validation Report.' (See PRIVATE PAIR for document entitled Computer Readable Form (CRF) for Sequence Listing - Defective dated 20 October 2008.) Accordingly, the proper reply has not been furnished.

The extension of time fee ($2,350) has been refunded to Deposit Account no. 01-0535.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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03 AUG 2009

Intellectual Property Department
Amylin Pharmaceuticals, Inc.
9360 Towne Centre Drive
San Diego CA 92121

In re Application of	:	
BARON et al.	:	
Application No.: 12/063,712	:	DECISION ON PETITION
PCT No.: PCT/US06/32661	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 21 August 2006	:	
Priority Date: 19 August 2005	:	
Attorney Docket No.: 0228US-UTL1	:	
For: NEW USES OF GLUCOREGULATORY PROTEINS	:	

This decision is issued in response to the renewed petition under 37 CFR 1.137(b) filed 15 July 2009 to revive the above-entitled application.

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and the application remains abandoned.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notification of Missing Requirement (Form DO/EO/905) mailed 28 May 2008, which set forth a two (2) month time period for a response. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned at midnight on 28 July 2008.

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) and (3) have been satisfied. As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

With regard to Item (1), the proper response was the submission of: (i) an oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b); (ii) the surcharge as set forth in 37 CFR 1.492(h) of $130; (iii) a copy of the 'sequence listing' in computer readable form as required by 37 CFR 1.821(e); and (iv) a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing.

Here, applicant has previously submitted a declaration executed by all the joint-inventors, the $130 surcharge as set forth in 37 CFR 1.492(h), and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing.

However, the computer readable form, submitted on 15 July 2009, did not comply with the requirements of 37 CFR 1.821(e) as indicated on the 'Sequence Listing Validation Report.' (See PRIVATE PAIR for document entitled Computer Readable Form (CRF) for Sequence Listing - Defective dated 29 July 2009.) Accordingly, the proper reply has not been furnished.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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2 8 AUG 2009

Intellectual Property Department
Amylin Pharmaceuticals, Inc.
9360 Towne Centre Drive
San Diego CA 92121

In re Application of: BARON et al.	:	
Application No.: 12/063,712	:	
PCT No.: PCT/US06/32661	:	DECISION ON PETITION
Int. Filing Date: 21 August 2006	:	UNDER 37 CFR 1.137(b)
Priority Date: 19 August 2005	:	
Attorney Docket No.: 0228US-UTL1	:	
For: NEW USES OF GLUCOREGULATORY	:	
PROTEINS	:	

This decision is issued in response to the renewed petition under 37 CFR 1.137(b) filed 12 August 2009 to revive the above-entitled application. The petition under 37 CFR 1.137(b) is **GRANTED**.

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). As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b), in that, applicants have submitted: (1) the required reply (declaration and Sequence Listing); (2) the petition fee; and (3) the required statement of unintentional delay have been received. 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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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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SEATTLE WA 98111-1247

In re Application of:
FREDE, MARTIN
Application Serial No.: 12/063,723
Filed: February 13, 2008
For: **SCANNER FOR OPTICALLY AND ELECTRICALLY SCANNING TRANSPONDER-EQUIPPED DOCUMENT**

DECISION
ON PETITION

This is a decision on the petition filed on October 6, 2008, which is treated as a petition to invoke the supervisory authority of the Director in accordance with 37 C.F.R. §1.181.

The petition is **Dismissed**.

Applicant requests the accompanying amendment with this petition, inserting reference to a claim for priority into the specification, be entered and the application undergo accelerated examination.

MPEP §1893.03(c), The Priority Date, Priority Claim, and Priority Papers for a U.S. National Stage Application, states in part:...

*Note: a national stage application submitted under 35 U.S.C. 371 may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the **>international filing date of the< international application. See also MPEP § 1893.03(b). Stated differently, since the international application is not an earlier application (it has the same filing date as the national stage), a benefit claim under 35 U.S.C. 120 in the national stage to the international application is inappropriate and may result in the submission being treated as an application filed under 35 U.S.C. 111(a). See MPEP § 1893.03(a). Accordingly, it is not necessary for the applicant to amend the first sentence(s) of the specification to reference the international application number that was used to identify the application during international processing of the application by the international authorities prior to commencement of the national stage.*

A review of the record reveals that the application was granted national stage status under 35 U.S.C. 371 as evidenced by the notice of acceptance under 35 U.S.C. 371 and 37 CFR 1.495 letter mailed on September 8, 2008. Therefore, the petition to enter the amendment to the specification to correct formality is dismissed as unnecessary.

The amendment to the specification filed October 6, 2008 will be considered in accordance with 37 CFR 1.121 during the regular course of prosecution.

Kenneth A. Wieder,
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHRISTOPHER PARADIES, PH.D.
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TAMPA FL 33602

In re Application of	:	
Maenz	:	
Application No.: 12/063,736	:	
PCT No.: PCT/EP2006/008039	:	
Int. Filing Date: 14 August 2006	:	DECISION
Priority Date: 17 August 2005	:	
Atty Docket No.: 108-0483(A9626PCT-UT)	:	
For: CONTINUOUS FUSELAGE	:	
CONNECTION	:	

This is a decision on applicant's "PETITION UNDER 37 C.F.R. 1.181(a)" filed in the U.S. Patent and Trademark Office (USPTO) on 03 July 2008.

BACKGROUND

On 14 August 2006, applicant filed international application No. PCT/EP2006/008039 which claimed a priority date of 17 August 2005, and which designated the United States.

The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee expired 30 months from the priority date, i.e. 17 February 2008.

On 13 February 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia,: the basic national fee.

On 18 March 2008, applicant filed a declaration in accordance with 37 CFR 1.497.

On 10 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Insufficient Fees (Form PCT/DO/EO/923) indicating that additional fees of $920 were due for excess and multiple dependent claims.

On 03 July 2008, applicant filed the present petition requesting that a Notification of Acceptance be issued in the present application.

DISCUSSION

A review of the application file reveals that the application contains a preliminary amendment reducing the number of claims to 13 and eliminating any multiple dependencies. As such, no additional fees for the claims are due.

CONCLUSION

For the reasons above, the petition is **GRANTED**.

The application has an international filing date of 14 August 2006, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (2), and (4) date of **18 March 2008**.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

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1 4 JUL 2009

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28289
THE WEBB LAW FIRM
700 Koppers Bldg.
436 Seventh Avenue
Pittsburgh, PA 15219

In re Application of
KIM *et al*
U.S. Application No.: 12/063,745
PCT No.: PCT/KR2006/003085
Int. Filing Date: 05 August 2006
Priority Date: 13 August 2005
Attorney's Docket No.: 5038-080434
For: PHOTORESIST STRIPPER COMPOSITION FOR SEMICONDUCTOR MANUFACTURING

DECISION

This is a decision on the request to delete three inventors filed 29 September 2008 which is treated under 37 CFR 1.497(d).

BACKGROUND

On 28 May 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, *inter alia*, 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 29 September 2008, applicants submitted an executed declaration which was accompanied by, *inter alia*, the subject petition; three statements by the inventors being removed; a statement by the assignee; a two-month extension and fee; a copy of an assignment and a statement under 37 CFR 3.73(b); and authorization to charge any required fee to Deposit Account No. 23-0650.

DISCUSSION

Applicants request to remove Woong Hahn, Sang Won Lee and Gun-Woong Lee as inventors in the above-captioned national stage 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 . . . 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(l); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicants filed the requisite statements from the inventors. The processing fee of $130.00 has been paid. Applicants also submitted the written consent of the assignee, Techno Semichem Co., Ltd. This document was signed by the CEO and President of Techno Semichem Co., Ltd. who is presumed to have the authority to sign on behalf of the assignee. *See* § 324 MPEP. An assignment to Techno Semichem Co., Ltd. has been recorded. A statement under 37 CFR 3.73(b) was also provided.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to remove Woong Hahn, Sang Won Lee and Gun-Woong Lee as inventors in the above-captioned application is **GRANTED**.

Accordingly, the declaration filed with the subject petition is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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08791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

In re Application of	:	
GUTMAN *et al*	:	
U.S. Application No.: 12/063,760	:	
PCT No.: PCT/SG2006/000200	:	**DECISION**
Int. Filing Date: 14 July 2006	:	
Priority Date: 16 August 2005	:	
Docket No.: 007989.P007	:	
For: A COMMUNICATIONS SYSTEM	:	

This is a decision on applicants' petition to withdraw the holding of abandonment filed 23 June 2009 which is treated under 37 CFR 1.181. No fee is required.

BACKGROUND

On 30 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee must be provided. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 23 June 2009, applicants filed the instant petition which was accompanied by, *inter alia*, a declaration by Lester J. Vincent, a copy of the docket records for this application, and a copy of the law firm docket records for all matters on 30 June 2008.

DISCUSSION

The above-captioned application is abandoned for failing to timely respond to the Form PCT/DO/EO/905 mailed 30 May 2008. Applicants claim that the Form PCT/DO/EO/905 was not received and request that the holding of abandonment be withdrawn for failure to receive an Office action.

The showing required to establish the failure to receive an Office communication consists of: (1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO; (2) a statement that the Office action was not received at the correspondence address of record; (3) a statement that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received; and, (4) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed is

required. *See* § 711.03(c)(I)(A) MPEP.

In this case, applicants submitted: (1) a declaration by Lester J. Vincent; and, (2) a copy of the subject application docket records; and (3) a copy of the law firm docket records (redacted) for all matters handled on 30 July 2008.

Mr. Vincent states in his declaration that he had a search done of the file jacket and docket records of the subject application and could find no record of the Form PCT/DO/EO/905. Applicants submitted a copy of the docket record for the period 30 July 2008 (the period where the Form PCT/DO/EO/905 would have been entered had it been received and docketed).

A review of the evidence verifies that there was no record of receiving the Form PCT/DO/EO/905 mailed 30 March 2008 for the subject application in their docket records. The statements by Mr. Vincent meet the requirements of items (1) to (3) above. The documentary evidence meets the docket record requirement of item (4).

Applicants have met all of the requirements required to establish nonreceipt of an Office action outlined in § 711.03(c)(I)(A) MPEP.

CONCLUSION

For the reasons noted above, applicants' petition to withdraw the holding of abandonment is hereby **GRANTED**.

Applicants must provide a declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time pursuant to 37 CFR 1.136 are available.

Failure to comply will result in the abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.

James Thomson

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26 MAR 2009

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Berkeley Law & Technology Gro
Berkeley Law & Technology Group LLP
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Suite 250
Beaverton OR 97006

In re Application of BALES et al.	:
Application No.: 12/063,763	: DECISION ON PETITION
PCT No.: PCT/US06/31730	:
Int. Filing: 14 August 2006	: UNDER 37 CFR 1.47(a)
Priority Date: 15 August 2005	:
Attorney Docket No.: 079.P002X3.3PCTUS	:
For: BRUSHLESS ELECTROMECHANICAL MACHINE	:

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 21 January 2009, to accept the application without the signature of the joint inventors Edward F. Ritz, Jr. and John E. Bales. Applicant requests a five month extension of time, which is granted.

BACKGROUND

On 13 February 2008, applicant filed a submission requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 along with the requisite basic national fee and executed declaration.

On 20 June 2008, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required. Specifically, applicant was advised that the declaration did "not identify all inventors on both declarations filed".

On 21 January 2009, applicant filed the instant petition. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventors Edward F. RITZ, Jr. and John E. BALES alleging that Messrs. BALES and RITZ refused to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

The petition included the requisite petition fee, satisfying Item (1). Item (3) is satisfied because the last known address of non-signing inventors was provided.

With regard to item (4), the declaration submitted on 13 February 2008 is not executed by inventors Ritz and Bales, who were named in the published international application. Tommy Long, J. Lynn Saunders, Ray Nelke[1] and Mohamed Sabri were added to the international application pursuant to PCT Rule 92*bis* and have executed the declaration. The Notification of Recording of a Change (PCT/IB/306) for each of the these inventors indicating this change is found in the above referenced application file. The declaration submitted was executed by the available joint inventors on their behalf and on behalf of the non-signing inventors. The declaration is acceptable as filed and the requirements of 37 CFR 1.497 (a) and (b) have been met. The declaration submitted on 13 February 2008 satisfies Item (4).

Inventor's Refusal to Sign

With respect to Item (2) above, in the petition, counsel states that "copies of the PCT application, accompanied by the original Declaration, were presented to the originally listed inventors on or about January 29, 2008". Counsel indicates that on 26 March 2008, he met with Mr. Ritz, providing him with a copy of the PCT application PCT/US2006/03173 along with the original declaration. Mr. Ritz protested the inclusion of one or more of the listed inventors as being a sole or joint inventor of at least one claim as presented in the PCT application. This is sufficient evidence of Mr. Ritz's refusal to sign the application papers.

Counsel also indicates that on or about 19 December 2008, "the preliminary amendment, filed concurrently with this Petition, the Supplemental Declaration, and a copy of the PCT application, were presented to the inventors". No evidence of how these papers were presented to the inventors was provided. Counsel states that in a telephone conversation with Mr. Bales, Mr. Bales protested the inclusion of the additional inventors. Counsel did not relate the circumstances of the refusal. As stated in Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal: *When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts.* When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. *When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.* (Emphasis added.)

In sum, Petitioner has satisfied Items (1), (3) and Item (4). As set forth above, to satisfy Item (2), further explanation of Mr. Bales's refusal to sign the application papers is needed. The action taken by petitioner is not sufficient to prove that Mr. Bales refuses to sign the application papers. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is DISMISSED WITHOUT PREJUDICE.

---

[1] Counsel indicates in the petition that Ray Nelke has been deleted as not being an inventor of the non-canceled pending claims. There is no indication a deletion of this inventor in the application file. To the contrary, a Notification of Recording of a Change indicating that Ray Nelke was added as an inventor is found in the World Intellectual Property Organization (WIPO) file for this PCT application and in the U.S. application at issue.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) 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 petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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2 2 JUL 2009

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17933 NW Evergreen Parkway
Suite 250
Beaverton OR 97006

In re Application of BALES et al.	:
Application No.: 12/063,763	: DECISION ON PETITION
PCT No.: PCT/US06/31730	:
Int. Filing: 14 August 2006	: UNDER 37 CFR 1.47(a)
Priority Date: 15 August 2005	:
Attorney Docket No.: 079.P002X3.3PCTUS	:
For: BRUSHLESS ELECTROMECHANICAL MACHINE	:

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 21 January 2009, to accept the application without the signature of the joint inventors Edward F. Ritz, Jr. and John E. Bales. Applicant requests a five month extension of time, which is granted.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 26 March 2009 and is herein incorporated by reference. The renewed petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requests the acceptance of the application without the signature of inventors Edward F. RITZ, Jr. and John E. BALES alleging that Messrs. BALES and RITZ refused to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Items (1), (3) and (4) were previously satisfied.

Inventor's Refusal to Sign

With respect to Item (2) above, Petitioner previously provided evidence of Mr. Ritz's refusal to sign the application papers. With respect to Mr. Bales, Petitioner now provides a first hand statement of fact regarding Mr. Bale's refusal to sign the application papers.

Evidence of how these papers were presented to the inventor was provided. Counsel of record states that on 22 December 2008, in two telephone conversations with Mr. Bales, Mr. Bales protested the inclusion of the additional inventors on the Declaration Counsel now relates the circumstances of the refusal.[1]

In sum, Petitioner has satisfied Items (1)- (4). As set forth above, the action taken by petitioner is sufficient to prove that Mr. Bales refuses to sign the application papers. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 13 February 2008. The application has an international filing date of 14 August 2006 under 35 U.S.C. 363, and a date of 13 February 2008 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459

[1] As stated in Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal: When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

UNITED STATES PATENT AND TRADEMARK OFFICE

2 2 JUL 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN E BALES
25716 NE RAWSON RD
BRUSH PRAIRIE, WA 98606

In re Application of BALES et al. :
Application No.: 12/063,763 :
PCT No.: PCT/US06/31730 :
Int. Filing: 14 August 2006 :
Priority Date: 15 August 2005 :
Attorney Docket No.: 079.P002X3.3PCTUS :
For: BRUSHLESS ELECTROMECHANICAL :
MACHINE :

Dear Mr. Bales:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286

Paul J. Fordenbacher
Berkeley Law & Technology Gro
Berkeley Law & Technology Group LLP
17933 NW Evergreen Parkway
Suite 250
Beaverton OR 97006

2 2 JUL 2009

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EDWARD F. RITZ, JR.
2095 S.W. WYNWOOD AVENUE
PORTLAND OR 97225

In re Application of BALES et al. :
Application No.: 12/063,763 :
PCT No.: PCT/US06/31730 :
Int. Filing: 14 August 2006 :
Priority Date: 15 August 2005 :
Attorney Docket No.: 079.P002X3.3PCTUS :
For: BRUSHLESS ELECTROMECHANICAL :
MACHINE :

Dear Mr. Ritz:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Cynthia M. Kratz
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Paul J. Fordenbacher
Berkeley Law & Technology Gro
Berkeley Law & Technology Group LLP
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Suite 250
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UNITED STATES PATENT and TRADEMARK OFFICE

15 JAN 2010

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Jane Massey Licata
LICATA & TYRRELL P.C.
66 E. MAIN STREET
MARLTON NJ 08053

In re Application of	:	DECISION ON
ROBBINS et al	:	
Application No.: 12/063,781	:	
PCT No.: PCT/US2006/031685	:	
Int. Filing Date: 14 August 2006	:	PETITION
Priority Date: 16 August 2005	:	
Attorney's Docket No.: DC0308US.NP	:	
For: Method for Diagnosing Non-Small Cell	:	UNDER 37 CFR 1.182
Lung Carcinoma	:	

This decision is in response to the "PETITION UNDER 37 CFR 1.182," filed on 11 November 2009, to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/US20067/031685. Petitioner has been charged the petition fee of $400.00 to the Deposit Account No.: 50-1619.

BACKGROUND

On 14 August 2006, this international application was filed, claiming an earliest priority date of 16 August 2005.

On 14 February 2008, applicants filed a transmittal letter for entry into the national stage in the United States. However, the incorrect PCT number (PCT/US2006//013685) was submitted at the time of filing via EFS-WEB.

On 11 November 2009, petitioner filed a petition under 37 CRF 1.182 stating that at the time of filing the application, the international application number was inadvertently keyed into EFS-WEB incorrectly as PCT/US2006/013685 rather than the correct number of PCT/US2006/031685.

DISCUSSION

Petitioner states that the PCT number was incorrectly entered as PCT/US2006/013685 rather than the correct number PCT/US2006/031685.

Although applicants entered the incorrect PCT serial number at the time of filing the application via EFS-WEB, the correct number PCT/US2006/031685 was placed on the Transmittal Letter and the Declaration. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/US2006/031685.

Therefore, the petition to accept the correct PCT number of PCT/US2006/031685 for the instant application is granted, and will be reflected in a corrected filing receipt.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

1 2 APR 2010

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NOTARO, MICHALOS & ZACCARIA P.C.
100 DUTCH HILL ROAD
ORANGEBURG NY 10962

In re Application of	:	DECISION
IKEGAWA	:	
Application No.: 12/063,819	:	
PCT No.: PCT/JP2006/316726	:	
Int. Filing Date: 25 August 2006	:	
Priority Date: 26 August 2005	:	
Attorney Docket No.: G110-090US	:	
For: METHOD FOR PRODUCTION,	:	
SUBSTITUTION, OR MINING OF GAS	:	
HYDRATE	:	

This decision is in response to applicant's submissions filed 19 February 2009 and 03 February 2010, which request a corrected filing receipt and republication of the application. The submissions have properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 25 August 2006, applicant filed international application PCT/JP2006/316726 which designated the US and claimed a priority date of 26 August 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 01 March 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 February 2008.

On 14 February 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a declaration of inventors.

On 24 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 14 February 2008 and a 35 U.S.C. 371 date of 14 February 2008.

On 29 October 2008, applicant filed a second declaration of inventors.

On 19 February 2009 and 03 February 2010, applicant filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition in essence requests that the 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates be changed from 14 February 2008 to 29 October 2008, that the inventorship be corrected, and that the application be republished with the correct information.

As noted by applicant, a declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was not filed until 29 October 2008. Accordingly, the NOTICE OF ACCEPTANCE OF APPLICATION mailed 24 October 2008 contained the incorrect international 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) and 35 U.S.C. 371 dates. Thus, the NOTICE OF ACCEPTANCE is hereby VACATED.

As also noted by applicant, the only inventor for the instant application is Yojiro IKEGAWA. The inventorship has been corrected.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTICE OF ACCEPTANCE mailed 24 October 2008 is **VACATED**.

A request has been sent to the Office of Patent Publication to republish the above-identified application with the correct information.

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 (1) mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating both the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates as **29 October 2008** and (2) mailing of a corrected Filing Receipt.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

29 JUL 2009

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Joseph C. Andras
Myers Andras Sherman LLP
19900 Macarthur Blvd.
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Irvine, CA 92612

In re Application of	:
Liu, Li et al,.	: DECISION ON REQUEST
US Application No.: 12/063851	:
PCT Application No.: PCT/US2006/032078	:
Int. Filing Date: 15 August 2006	: TO WITHDRAW AS
Priority Date: 16 August 2005	:
Attorney's File Reference: UCI.PAU.73.US	:
For: A Beam Forming Method for Wireless	: ATTORNEY OR AGENT
Communication System and Apparatus	:
For Performing the Same	:

This office is in receipt of a "Request For Withdrawal as Attorney or Agent and Change of Correspondence Address" filed 30 September 2008 requesting withdrawal of the practitioners of record associated with Customer Number 23386 in the US Application above.

A Review of the application file reveals that a valid power of attorney to the practitioners associated with customer Number 23386 was never filed. In particular, although a power of attorney signed by a person with authority to sign on behalf of the purported assignee was filed, the assignee has not sufficiently established the right to take action in accordance with 37 CFR 3.73(b). Specifically, although a copy of an assignment a agreement has been provided, the assignment is not executed by the inventors. Because a valid power of attorney is not present, the practitioners associated with Customer Number 23386 are deemed to have acted in a representative capacity pursuant to 37 CFR 1.34.

For requests to withdraw filed on or after 12 May 2008, the Office no longer approves requests from practitioner to withdraw from application where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioner acting in a representative capacity, like the practitioners who have the a power of attorney in the application, remain responsible to noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file. Change in

procedure For Requests Withdraw from Representation in a Patent Application, 1329 OG 99, 08 April 2008.

With regard to the correspondence address, the Office will no long change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. Instead, 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. Id. In represent case, because the purported assignee has not be made of record in accordance with 37 CFR 3.71, the correspondence address will be changed to that of the first named inventor.

Peng Ke
PCT Legal Administration Detailee
Office of PCT Legal Administration
Administration
Telephone: 571-272-6094
Facsimile: 571-272-0459

Bryan Lin
Bryan Lin
PCT Legal Examiner
Office of PCT Legal

12 MAY 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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THOMPSON HINE LLP
Intellectual Property Group
P.O Box 8801
DAYTON OH 45401-8801

In re Application of BERNER et al. Application No.: 12/063,853 PCT No.: PCT/US06/31112 Int. Filing: 10 August 2006 Priority Date: 20August 2005 Attorney Docket No.: 006593-02138 For: CONVEYOR WARE WASHER	DECISION ON RESPONSE

This application is before the PCT Legal Office for consideration of applicant's Response of Notification of Missing Requirements filed on 24 July 2008 in the United States Patent and Trademark Office (USPTO) in the above-captioned application requesting correction of the second inventor's name.

On 18 June 2008, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required. Specifically, applicant was asked to clarify the name of the second inventor (Padtberg) as it was different than that listed on the international application (Padtber).

On 24 July 2008, applicant filed a response to the 905 along with a request to correct the inventor name. Applicant explains the error in the inventor's name in the declaration is typographical. Applicant indicates that the correct inventor's name is Klaus Padtberg.

Applicants' explanation of the difference in inventor PADTBERG's name is accepted and noted for the record. The Request to correct the typographical error in inventor's name is GRANTED. No petition fee is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/063,903		Hiroyuki YOSHIMI	072654	3582

38834 7590 05/08/2008
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER	
ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
05/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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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Westerman, Hattori, Daniels & Adrian, LLP

In re Application of
Hiroyuki YOSHIMI, ET AL.

Application No.: 12/063,903
Filed: February 15, 2008
Attorney Docket No.: 072654

For: LIQUID CRYSTAL DISPLAY DEVICE APPRECIATING ROOM AND METHOD FOR APPRECIATING A LIQUID CRYSTAL DISPLAY DEVICE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PILOT PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 15, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Michael Day
TQAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK NY 10017

COPY MAILED

APR 10 2009

OFFICE OF PETITIONS

In re Application of :
Lass, et al. :
Application No. 12/063,918 :
Filed: February 15, 2008 :
Attorney Docket No. LASS :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

2 4 MAR 2008

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

In re Application of	:	
TOMETZKI, Gerald B.	:	
Application No.: 12/063,920	:	
PCT No.: PCT/SU2006/001431	:	NOTIFICATION
Int. Filing Date: 03 October 2006	:	
Priority Date: 04 October 2005	:	
Attorney Docket No.: 578862000500	:	
For: METHOD OF DRUG DESIGN	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 15 February 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/SU2006/001431. The papers listed international application no. PCT/AU2006/001431.

On 13 March 2008, applicants filed a declaration of the inventors indicating that a co-inventor is deceased. This is regarded as a request for status under 37 CFR 1.42.

DISCUSSION

A national stage application is the national stage of only a single international application. To enter the national phase in the United States, applicant is required to state the international application number.

As applicants have listing conflicting international application numbers, applicant is required to identify which application number is correct and to furnish a petition under 37 CFR 1.182 along with the fee to correct the erroneous indication.

Applicant's request for status under 37 CFR 1.42 cannot be addressed until applicants identify the international application of which 12/063,920 is a national phase. However, it is noted that it does not comply with 37 CFR 1.497(b)(2), as it does not list the citizenship of the legal representative.

CONCLUSION

A proper response is required within **TWO (2) MONTHS** of the mailing of this notification. Failure to timely reply will result in the abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Application No. 12/063,920

Any further correspondence with respect to this matter may be filed electronically, via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

0 6 JUN 2008

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

In re Application of	:	
TOMETZKI, Gerald B.	:	
Application No.: 12/063,920	:	
PCT No.: PCT/AU2006/001431	:	DECISION
Int. Filing Date: 03 October 2006	:	
Priority Date: 04 October 2005	:	
Attorney Docket No.: 578862000500	:	
For: METHOD OF DRUG DESIGN	:	

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 15 February 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/SU2006/001431. The papers listed international application no. PCT/AU2006/001431.

On 13 March 2008, applicants filed a declaration of the inventors indicating that a co-inventor is deceased. This is regarded as a request for status under 37 CFR 1.42.

DISCUSSION

Petition Under 37 CFR 1.182

A national stage application is the national stage of only a single international application. To enter the national phase in the United States, applicant is required to state the international application number.

Applicants have now indicated that this application is a national stage of PCT/AU2006/001431. The appropriate petition fee has been paid.

Request Under 37 CFR 1.42

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

It was previously noted that the declaration did not comply with 37 CFR 1.497(b)(2), as it did not list the citizenship of the legal representative. Applicants have now submitted a single sheet of declaration listing the legal respresentative and the legal representative's information, but not listing the information for all of the inventors or the required declaration language. The legal representative's declaration must state everything that an inventor would have been required to state and must list the inventors and their citizenships and the legal representative and the legal representative's citizenship,

residence and postal address. See 37 CFR 1.497. A complete oath or declaration for the legal representative is required. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the reasons discussed above, applicants' petition under 37 CFR 1.182 is **GRANTED**, but applicants' request for status under 37 CFR 1.42 is **REFUSED**.

A proper response is required within **TWO (2) MONTHS** of the mailing of this notification. Failure to timely reply will result in the abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically, via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

10 DEC 2008

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

In re Application of	:	
TOMETZKI, Gerald B.	:	
Application No.: 12/063,920	:	
PCT No.: PCT/AU2006/001431	:	DECISION
Int. Filing Date: 03 October 2006	:	
Priority Date: 04 October 2005	:	
Attorney Docket No.: 578862000500	:	
For: METHOD OF DRUG DESIGN	:	

This is a decision on applicant's renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 19 June 2008.

BACKGROUND

On 06 June 2008, the Office mailed Decision On Petition, granting applicant's petition under 37 CFR 1.182, but dismissing applicant's request under 37 CFR 1.42.

On 19 June 2008, applicants filed a declaration of the legal representative.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

Applicant's declaration of the legal representative and earlier declaration of the inventors, taken together, satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the reasons discussed above, applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 19 June 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
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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.
12/063,963	02/15/2008	Paul James Scott	AMTH-107US	4180

23122 7590 09/12/2008
RATNERPRESTIA
P O BOX 980
VALLEY FORGE, PA 19482-0980

EXAMINER

ART UNIT	PAPER NUMBER
2863	

MAIL DATE	DELIVERY MODE
09/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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RATNERPRESTIA
P. O. BOX 980
VALLEY FORGE PA 19482-0980

In re Application of	:	
Paul SCOTT	:	**DECISION ON REQUEST TO**
Application No. 12/063,963	:	**PARTICIPATE IN PATENT**
Filed: 02/15/2008	:	**PROSECUTION HIGHWAY**
Attorney Docket No. AMTH-107US	:	**PILOT PROGRAM AND PETITION**
	:	**TO MAKE SPECIAL UNDER**
	:	**37 CFR 1.102(d)**

This is a decision on the requests to participate in the Patent Prosecution Highway (PPH) pilot program and the petitions under 37 CFR 1.102(d), filed 28 August 2008, and 10 September 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, note where the UKIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the UKIPO application with similar claims and the UKIPO priority application;
2. Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit documentation of prior office action a copy of all of the office action(s) from each of the UKIPO application(s) containing the allowable/patentable claim(s);
6. Applicant must submit:
    a. An IDS listing the documents cited by the UKIPO examiner in the UKIPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

7. The required petition fee under 37 CFR 1.17(h).

* * * * * * *

Conditions (1), (2), (4), and (7) above are considered to have been met. However, the request to participate in the PPH program and petition does not meet condition (3), and it is unclear as to whether conditions (5) and (6) above have been met.

Regarding the requirement of condition (3), the claims in the U.S. application do not sufficiently correspond and have not been amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s). Specifically, claims 6, 11, 20, 22, and 48 in the U.S. application do not sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s).

Regarding claims 6, and 11, the last line in each of the subject claims reads "the measurement range over which the calibration is effected", whereas, the last line in the respective allowable/patentable claims in the UKIPO application reads "the measurement range of the measurement probe". Because claims 6, and 11, the U.S application are broader than the respective allowable/patentable claims in the UKIPO application, the claims in the U.S. application do not sufficiently correspond to the allowable/patentable claims in the UKIPO application.

Regarding claim 20, lines 4, 5, and 6 from the bottom of the claim each include the claim limitation, "the direction position" whereas the corresponding limitation in the respective allowable/patentable claim in the UKIPO application reads "the second direction position". The claim limitation, "second" is essential for understanding the meets and bounds of claim 20. Consequently, claim 20 in the U.S. application does not sufficiently correspond to the allowable/patentable claim 20 in the UKIPO application.

Regarding claim 22, line 2 of the subject claim includes the typographical error "a carrier for carrying a so" and does not sufficiently correspond to the allowable/patentable claim in the UKIPO application which reads in relevant part, "a carrier to carry a measurement probe". Still referring to claim 22, the last 4 lines of the allowable/patentable claim in the UKIPO application reads "to provide calibration coefficient for enabling measurement data representing measurements made on a surface of a workpiece to be corrected" whereas the last three lines in the present US application reads in relevant part "to enable measurement data representing measurements made on a surface of a workpiece to be corrected using the results of the calibration." The subject corresponding claim limitations appear to vary substantially in scope. Consequently, claim 22 in the U.S. application does not sufficiently correspond to the allowable/patentable claim 22 in the UKIPO application.

Regarding claim 48, the subject claim was intended to correspond to the allowable/patentable claim 48 in the UKIPO application and to include substantially the same language as claim 22 from which the corresponding allowable/patentable claim 48 in the UKIPO application depends. It is noted, however, the majority of the device

limitations found in claim 22 are not found in claim 48 in the US application. Because method claims are limited by the structural limitations of the device, the structural limitations of the device are substantial limitations in the method claim (see MPEP 2116.01, and *In re Ochiai*, 37 USPQ2d 1127 (FC 1995)). Consequently, the instant claim 48 does not sufficiently correspond to the allowable/patentable claim 48 in the UKIPO application. Still referring to claim 48, the last four lines of the allowable/patentable claim 22 in the UKIPO application reads "to provide calibration coefficient for enabling measurement data representing measurements made on a surface of a workpiece to be corrected" whereas the last two lines in the present US application reads in relevant part "to enable measurement data representing measurements made on a surface of a workpiece to be corrected using the results of the calibration." Again, claim 48 in the U.S. application does not sufficiently correspond to the allowable/patentable claim 48 in the UKIPO application.

Regarding the requirement of condition (5), it is noted that the request for participation form, PTO/SB/20UK (01-08), indicates that "A copy of all UKIPO office actions in the above-identified UKIPO application(s) is attached" and that "An information disclosure statement listing the documents cited in the UKIPO office actions has already been filed in the above-identified U.S. application on February 15, 2008". The identified IDS, however, only a single reference, *Barycentric Lagrange Interpolation*. To date, the USPTO has received two UKIPO office actions in the identified UKIPO application, that is, a Search Report dated 26 October 2005, and an Examination Report dated 6 June 2008. The subject reference, *Barycentric Lagrange Interpolation*, however, is not cited on either UKIPO office actions. Consequently, it appears that the USPTO has not received all UKIPO office actions in the above-identified UKIPO application, and the condition (5) has not been met.

Regarding the requirement of condition (6), UKIPO office action "Search Report" dated 26 October 2005 list 3 document considered to be relevant to patentability, two of which are indicated to be documents indicating lack of novelty or inventive step relevant to claims. None of the 3 documents listed in the subject UKIPO office action are listed on the IDS filed on February 15, 2008.

A proper response in this case must include:

1. Applicant must ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the UKIPO application.

2. Applicant must submit documentation of prior office action:
   a. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the UKIPO application(s) containing the allowable/patentable claim(s) or
   b. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
   c. if the UKIPO application is a first action allowance then no office action from the UKIPO is necessary should be indicated on the request/petition form;

3. Applicant must submit:

a. An IDS listing the documents cited by the UKIPO examiner in the UKIPO office action(s) (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).

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Program Between the UKIPO and the USPTO" filed 28 August 2008, and 10 September 2008, is **DISMISSED** without prejudice.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/063,963	02/15/2008	Paul James Scott	AMTH-107US	4180

23122 7590 10/31/2008
RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

EXAMINER

ART UNIT	PAPER NUMBER
2863	

MAIL DATE	DELIVERY MODE
10/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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VALLEY FORGE PA 19482-0980

In re Application of	:	
Paul SCOTT	:	**DECISION ON REQUEST TO**
Application No. 12/063,963	:	**PARTICIPATE IN PATENT**
Filed: 02/15/2008	:	**PROSECUTION HIGHWAY**
Attorney Docket No. AMTH-107US	:	**PILOT PROGRAM AND PETITION**
	:	**TO MAKE SPECIAL UNDER**
	:	**37 CFR 1.102(d)**

This is a decision on the requests to participate in the Patent Prosecution Highway (PPH) pilot program and the petitions under 37 CFR 1.102(d), filed 28 August 2008, and 10 September 2008, and request for reconsideration, faxed 14 October 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, note where the UKIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the UKIPO application with similar claims and the UKIPO priority application;
2. Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO application(s);
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit documentation of prior office action a copy of all of the office action(s) from each of the UKIPO application(s) containing the allowable/patentable claim(s);
6. Applicant must submit:
    a. An IDS listing the documents cited by the UKIPO examiner in the UKIPO office action (unless already submitted in this application)

b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH pilot program and petition meet the requirements (1) through (7), above.

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

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

2 5 JUN 2008

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M. ANGELA PARSONS
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

In re Application of: HARRIS, Roger et al.	
U.S. Application No.: 12/064,005	DECISION
PCT Application No.: PCT/US2006/020104	ON
Int. Filing Date: 23 May 2006	PETITION
Priority Date: 23 May 2005	UNDER
Atty Docket No.: 08457-014US1	37 CFR 1.137(b)
For: COMPOSITIONS AND METHODS FOR THE SUSTAINED RELEASE OF BETA-ALANINE	

The petition to revive under 37 CFR 1.137(b) filed 15 February 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 is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. Applicant is advised that the declaration executed by joint inventor Roger Harris fails to list the second inventor as required by 37 CFR 1.497(a)(3). The declaration executed by joint inventor John Wise is proper.

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Harry C. Kim
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3285

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27 FEB 2009

Morgan, Lewis & Bockius LLP (SF)
One Market, Spear Street Tower
Suite 2800
San Francisco CA 94105

In re Application of DEFREES et al. Application No.: 12/064,012 PCT No.: PCT/US06/32649 Int. Filing Date: 21 August 2006 Priority Date: 19 August 2005 Attorney Docket No.: 040853-02-5575US For: GLYCOPEGYLATED FACTOR VII AND FACTOR VIIA	: : : : : : :	DECISION ON REQUEST

This decision is issued in reply to applicants' 'Petition to Correct Inventorship under 37 CFR 1.48" filed 03 September 2008, which is being treated as a request under 37 CFR 1.497(d) to correct the inventorship of the present national stage application.

BACKGROUND

On 21 August 2006, applicants filed international application PCT/US06/32649 which claimed a priority date of 19 August 2005. The published international application identified six applicants/inventors for the United States: Shawn DEFREES; David ZOPF; Susann TAUDTE; W. Scott WILLETT; Robert BAYER; and Matthew KALO. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 19 February 2008.

On 15 February 2008, applicants filed a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; a copy of the international application; and a preliminary amendment.

On 19 June 2008, applicants filed a declaration executed by: Shawn DEFREES; David ZOPF; Susann TAUDTE; Walter S. WILLETT; and Matthew KALO.

On 03 September 2008, applicants filed a request under 37 CFR 1.497(d) which included a declaration executed by: Shawn DEFREES; David ZOPF; Susann TAUDTE; Walter S. WILLETT; Robert BAYER; Matthew KALO; and Robert BAYER.

DISCUSSION

The inventors of record for this application are, as set forth in the published international application, Shawn DEFREES; David ZOPF; Susann TAUDTE; W. Scott WILLETT; Robert BAYER; and Matthew KALO. The failure to list all six inventors on the declaration filed 19 June 2008 did not effect the inventorship herein. Accordingly, to the extent that applicants' submission seeks to add Robert BAYER as an inventor, the submission is moot.

However, the declaration filed on 19 June 2008 is defective, in that, the declaration fails to identify "each inventor and the country of citizenship of each inventor." (See 37 CFR 1.497(a)(3).)

The 03 September 2008 declaration identifies the six named inventors, however, the declaration is not in an acceptable form. Specifically, there is an issue as to whether the declaration has been properly executed. The declaration filed with the petition includes duplicate sheets of page 1. It is unclear if the inventors were presented with their signature page, in which case the execution would be improper, or if they were presented with a complete declaration (page one and page two) for signing, but counsel subsequently compiled the declaration into the single document, which is improper. (See MPEP 201.03(B) on how to correct this matter).

Additionally, the declaration is executed by Walter S. WILLETT, whereas the international application lists the inventor as W. Scott WILLETT. Clarification is required. (See MPEP 201.03, page 200-5 and MPEP 605.04).

CONCLUSION

Applicants' request to add Robert BAYER as an inventor is **DISMISSED as MOOT**, in that, Robert BAYER is already an inventor of record for the present application.

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).

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NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON NJ 08540

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OCT 14 2009

OFFICE OF PETITIONS

In re Application of
DeFrees, et al.
Application No. 12/064,012
Filed: February 15, 2008
Attorney Docket No. 7967.204-US

NOTICE

This is a notice regarding a request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) and notification of loss of entitlement to small entity status, filed September 11, 2009.

The present fee deficiency/notification of loss of entitlement to small entity status was submitted on September 11, 2009 by an attorney associated with Morgan, Lewis & Bockius, LLP. On September 2, 2009, the revocation/power of attorney/change of address to customer number 23650 was accepted and entered. The attorney filing the present fee deficiency /notification of loss of entitlement to small entity status is not associated with customer number 23650. The attorney filing the present fee deficiency/notification of loss of entitlement to small entity status is not an attorney of record. Further proof of authority to act in a representative capacity is required. 37 CFR 1.134

Therefore, the fee deficiency submission under 37 CFR 1.28 is **NOT ACCEPTED** and the entity status has **not** been changed.

A courtesy copy of this decision will be mailed to the attorney who filed the present fee deficiency/notification of loss of entitlement to small entity status.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: ADA O. WONG
MORGAN, LEWIS, BOCKIUS, LLP
ONE MARKET, SPEAR STREET TOWER
SAN FRANCISCO CA 94105

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17 JUN 2009

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DR. MARK M. FRIEDMAN
C/O BILL POLKINGHORN - DISCOVERY DISPATCH
9003 FLORIN WAY
UPPER MARLBORO MD 20772

In re Application of: TREVES, Avraham, et al.	:	
U.S. Application No.: 12/064,034	:	
PCT No.: PCT/US2006/030389	:	DECISION
International Filing Date: 02 August 2006	:	
Priority Date: 19 August 2005	:	
Atty Dkt No.: 4081/4	:	
For: COMPOSITIONS OF CELLS ENRICHED FOR COMBINATIONS OF VARIOUS STEM AND PROGENITOR CELL POPULATIONS, METHODS OF USE THEREOF AND METHODS OF PRIVATE BANKING THEREOF	:	

This decision is issued in response to the "Request For Refund – Deposit Account 06-2140" filed by applicants on 19 November 2008 and resubmitted via facsimile on 06 April 2009. No petition fee is required.

BACKGROUND

On 02 August 2006, applicants filed international application PCT/US2006/030389. The application claimed a priority date of 19 August 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 February 2008.

On 18 February 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, a declaration document and payment of the basic national fee.

On 06 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c) were satisfied as of 18 February 2008. On the same date, a filing receipt was mailed identifying the 35 U.S.C. 371(c) date as 18 February 2008.

On 18 November 2008, applicants filed an additional fee payment and a preliminary amendment directed to the claims herein.

On 19 November 2008, applicants filed the "Request For Refund – Deposit Account 06-2140" considered below, The submission specifically requested a refund of two of the three duplicative fees paid for the inclusion of four additional independent claims over three (totaling $840) and the fee charged for inclusion of 35 additional total claims over twenty ($875).

On 26 November 2008, the USPTO refunded to Deposit Account No. 06-2140 two of the three duplicative fees paid for the inclusion of four additional independent claims over three (totaling $860) and the fee charged for inclusion of 35 additional total claims over twenty ($875).

DISCUSSION

1. The Refund Request Is Moot

As noted above, in November 2008 the USPTO refunded to Deposit Account No. 06-2140 the fees to which the present refund request is addressed (totaling $1,735). Accordingly, the refund request is moot.

2. The Declaration Filed 18 February 2008 Is Not Acceptable

The declaration filed by applicants on 18 February 2008 was not fully executed. Specifically, co-inventor Ronald Hoffman did not sign the declaration. The declaration is therefore not in compliance with 37 CFR 1.497(a)(1).

In addition, the declaration document appears to be an unacceptable compilation of multiple documents. See MPEP § 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." The compilation is evident from the fact that the declaration document filed includes one copy of page one and two different copies of page two.

3. The Notification Of Acceptance Mailed 06 June 2008

As noted above, applicants have not filed copies of complete, acceptable declaration documents executed by each of the four inventors of record. Accordingly, the declaration requirement of 35 U.S.C.371(c)(4) is not yet satisfied.

The "Notification Of Acceptance" (Form PCT/DO/EO/903) mailed 06 June 2008, which incorrectly indicated that applicants had satisfied the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as of 18 February 2008, was issued prematurely and is hereby appropriately vacated.

CONCLUSION

Because the fees at issue have already been refunded to applicants' Deposit Account, the present request for refund is **DISMISSED AS MOOT**.

Based on the failure of applicants to file a fully executed declaration in compliance with 37 CFR 1.497, the "Notification Of Acceptance" (Form PCT/DO/EO/903) mailed 06 June 2008 is hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

Richard M. Ross
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1 0 APR 2009

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Frost Brown Todd, LLC
2200 PNC Center
201 E. Fifth Street
Cincinnati, OH 45202

In re Application of	:	
GIRAUD et al.	:	
Application No.: 12/064,062	:	DECISION ON PETITION
PCT No.: PCT/EP06/65370	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 16 August 2006	:	
Priority Date: 19 August 2005	:	
Attorney Docket No.: 0108353/0557019	:	
For: LOW DIELECTRIC CONSTANT SILICON COATING, METHOD FOR THE PREPARATION AND APPLICATION THEREOF TO INTEGRATED CIRCUITS		

This decision is issued in response to the petition under 37 CFR 1.137(b) filed 31 March 2009 to revive the above-entitled application.

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and the application remains abandoned.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notification of Missing Requirement (Form DO/EO/905) mailed 02 June 2008, which set forth a two (2) month time period for a response. A response was not filed and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned at midnight on 04 August 2008.

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) - (4) have been satisfied.

With regard to Item (1), the proper response was the submission of the declaration of the inventors which complies with 37 CFR 1.497(a) and (b). The declaration filed on 31 March 2009 is defective. Specifically, the declaration is unacceptable because it is illegible.

Applicants must submit a legible copy of the declaration of inventors in order to satisfy the requirements of 37 CFR 1.497(a) and (b).

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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2 2 MAY 2009

Frost Brown Todd, LLC
2200 PNC Center
201 E. Fifth Street
Cincinnati, OH 45202

In re Application of	:	
GIRAUD et al.	:	
Application No.: 12/064,062	:	DECISION ON PETITION
PCT No.: PCT/EP06/65370	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 16 August 2006	:	
Priority Date: 19 August 2005	:	
Attorney Docket No.: 0108353/0557019	:	
For: LOW DIELECTRIC CONSTANT SILICON COATING, METHOD FOR THE PREPARATION AND APPLICATION THEREOF TO INTEGRATED CIRCUITS		

The petition to revive under 37 CFR 1.137(b) filed 04 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' 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).

Applicants have now submitted a proper response to the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 02 June 2008, that is, an executed declaration in compliance with 37 CFR 1.497, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
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10 SEP 2008

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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of:
POGLITSCH, Christof, et al.
U.S. Application No.: 12/064,104
PCT No.: PCT/EP2006/008134
International Filing Date: 15 August 2006
Priority Date: 16 August 2005
Atty Docket No.: EBR-05031
For: COMPUTER TOMOGRAPHY MEASURING DEVICE AND METHOD

DECISION

This decision is issued in response to the "Request For Correction Of 35 U.S.C. 371 Completion Date" filed 06 June 2008. No petition fee is required.

BACKGROUND

On 15 August 2006, applicants filed international application PCT/EP2006/008134. The international application claimed a priority date of 16 August 2005, and it designated the United States. On 22 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., 19 February 2008 (16 February 2008 was a Saturday, and 18 February 2008 was a federal holiday).

The international application as filed included a declaration of inventorship under PCT Rule 4.17(iv) executed by the two applicant/inventors of record for the United States (Christof POGLITSCH and Ronald LONARDINI) in August 2006.

On 19 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 basic national fee, an application data sheet (ADS), and an English translation of the international application.

On 20 March 2008, applicants filed a declaration executed by the inventors and payment of the $130 surcharge for filing the declaration later than thirty months after the priority date.

On 05 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Acceptance (Form PCT/DO/EO/903) identifying 19 February 2008 as 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 35 U.S.C. 371 Requirements." On the same date, a filing receipt was issued

identifying 19 February 2008 as the 35 U.S.C. 371(c) date. In addition, the $130 surcharge filed by applicant on 20 March 2008 was refunded to applicants.

On 06 June 2008, applicants filed the "Request For Correction Of 35 U.S.C. 371 Completion Date" considered herein, accompanied by a repayment of the $130 surcharge. The petition requests correction of the 35 U.S.C. 371(c) date to 20 March 2008, the date applicants filed the executed national stage declaration.

DISCUSSION

With respect to the declaration required for national stage entry under 35 U.S.C. 371(c)(4) and 37 CFR 1.497, 37 CFR 1.497(a) states the following (emphasis added):

> When an applicant of an international application desires to enter the national stage under 35 U.S.C. 371 pursuant to § 1.495, **and a declaration in compliance with this section has not been previously submitted in the international application under PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26*ter*.1**, he or she must file an oath or declaration ...

Here, as noted above, applicants submitted with the international application an executed declaration of inventorship under PCT Rule 4.17(iv). Pursuant to 37 CFR 1.497(a), based on the timely submission of the PCT Rule 4.17(iv) declaration during the international phase, an additional declaration under 37 CFR 1.497 is not necessary in the U.S. national stage application. Thus, applicant's filing of an additional declaration on 20 March 2008 was not necessary; the requirements of 35 U.S.C. 371(c)(4) had already been satisfied during the international phase.

Applicants' 19 February 2008 submission included payment of the basic national fee and a translation of the international application into English, completing the requirements of 35 U.S.C. 371(c)(1) and (c)(2). As discussed above, 35 U.S.C. 371(c)(4) was previously satisfied by the filing of the PCT Rule 4.17(iv) declaration during the international phase. Thus, as of 19 February 2008, the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) were satisfied.

Based on the above, the correct date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present national stage application is 19 February 2008, as indicated on the Notification of Acceptance (Form PCT/DO/EO/903) mailed 05 June 2008. Applicants' request to change the 35 U.S.C. 371(c) date to 20 March 2008 is therefore properly dismissed.

CONCLUSION

Applicants' "Request For Correction Of 35 U.S.C. 371 Completion Date" is **DISMISSED** without prejudice.

The $130 surcharge for purportedly filing the declaration later than thirty months after the priority date re-submitted by applicants on 06 June 2008 will be refunded to applicant.

The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) remains 19 February 2008.

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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.
12/064,131		Seiji KARASHIMA	079195-0396	6062

53080 7590 07/11/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER

ART UNIT	PAPER NUMBER
2812	

MAIL DATE	DELIVERY MODE
07/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

In re Application of
Seiji KARASHIMA et al
Application No.: 12/064,131
Filed: 19 February 2008
Attorney Docket No.:
079195-0396
For: METHOD FOR FORMING CONDUCTIVE PATTERN AND WIRING BOARD

: 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 24 June 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:

   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

      Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian Sircus at 571 272 2058.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Brian Sircus
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

1 5 AUG 2008

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COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

In re Application of	:	
CHAVA, Satyanarayana et al.	:	
Application No.: 12/064,150	:	DECISION
PCT No.: PCT/IN2006/000257	:	
Int. Filing Date: 19 July 2006	:	ON PETITION UNDER
Priority Date: 19 July 2005	:	
Docket No.: LEXO-002/00US 309485-2002	:	37 CFR 1.137(b)
For: A PROCESS FOR THE PREPARATION OF	:	
TELMISARTAN	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 19 February 2008 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has furnished a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b). The surcharge for furnishing the search fee, examination fee or oath or declaration after 30 months from the priority date has been paid.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 18 June 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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WASHINGTON DC 20001

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OFFICE OF PETITIONS

In re Application of	:	
CHAVA, Satyanarayana et al.	:	
Application No. 12/064,150	:	DECISION ON PETITION
Filed: June 18, 2008	:	TO WITHDRAW
Attorney Docket No. **LEXO-002/00US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 01, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Cooley Godward Kronish LLP has been revoked by the assignee of the patent application on September 30, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **WORKMAN NYDEGGER**
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

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WORKMAN NYDEGGER/Leica
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

Mail Date: 04/20/2010

Applicant	: Jurg Weilenmann	: DECISION ON REQUEST FOR
Patent Number	: 7643955	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/064,197	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/19/2008	: 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

07 MAY 2009

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of VIEIRA et al. Application No.: 12/064,203 PCT No.: PCT/GB06/03110 Int. Filing Date: 18 August 2006 Priority Date: 19 August 2005 Attorney Docket No.: Q106593 For: PROCESS FOR PRODUCING BIO-DIESEL	:	DECISION ON RESPONSE

This is a decision applicant's "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" filed on 18 August 2008 in the United States Patent and Trademark Office (USPTO).

On 19 June 2008, the Office mailed Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration, after the thirty month period, is required.

On 18 August 2008, applicant filed a response along with a Portuguese/English language declaration.

DISCUSSION

A review of international application PCT/GB06/03110 reveals that MICHELE SABBA was the first named inventor in the published international application. The declaration identifies MICHELE SABBA DA SILVA LIMA.

The declaration is unacceptable because inventor Michele Sabba da Silva Lima was not listed on the published application. Applicant has not indicated that a Request for the Recording of A Change to correct the name of the first inventor Michele Sabba to Michele Sabba da Silva Lima as a co-inventor under PCT Rule 92*bis* in PCT/GB06/03110 was filed with the RO/GB and granted by the International Bureau prior to the expiration of the 30 month period.

The declaration submitted on 18 August 2008 erroneously identifies Michelle Sabba da Silva Lima as a co-inventor and thus is not in compliance with 37 CFR 1.497(a) and (b). It appears that Ms. Sabba changed her name. Should applicant wish to correct the inventor's name, a petition under 37 CFR 1.182 is required. See MPEP §605.04(c).

CONCLUSION

The declaration of inventors submitted by applicants 18 August 2008 is not in compliance with 37 CFR 1.497(a) and (b) and is unacceptable.

A petition under 37 CFR 1.182 to correct the inventor's name is required. The application will be held in the PCT Legal Office to await applicant's further reply.

Applicant must respond within **ONE (1) MONTH** from the mail date of this decision.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Cynthia M. Kratz
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PCT Legal Office
Office of PCT Legal Administration

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0 1 SEP 2009

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of VIEIRA et al. Application No.: 12/064,203 PCT No.: PCT/GB06/03110 Int. Filing Date: 18 August 2006 Priority Date: 19 August 2005 Attorney Docket No.: Q106593 For: PROCESS FOR PRODUCING BIO-DIESEL	DECISION under 37 CFR 1.182

This is a decision applicant's "PETITION UNDER 37 CFR 1.182 TO CORRECT INVENTOR'S NAME" filed on 01 July 2009 in the United States Patent and Trademark Office (USPTO). Applicant's request for a one month extension of time is granted.

A decision mailed on 07 May 2009 advised applicant that a review of international application PCT/GB06/03110 revealed that MICHELE SABBA was the first named inventor in the published international application and that the declaration submitted in the above referenced application identified MICHELE SABBA DA SILVA LIMA making the declaration unacceptable. Applicant was further advised that to correct the inventor's name, a petition under 37 CFR 1.182 was required. See MPEP §605.04(c).

On 01 July 2009, applicant filed a petition under 37 CFR 1.182 to correct the inventor's name.

A review of the application file reveals that the given name of the applicant as listed on the published international application is "MICHELE SABBA ." The declaration, filed on 18 August 2008, was signed by "MICHELE SABBA DA SILVA LIMA". Applicant now submits declaration by the inventor MICHELE SABBA indicating that her name changed due to her marriage.

For the above reasons, the petition under 37 CFR 1.182 to change the respective inventor's name to MICHELE SABBA DA SILVA LIMA is **GRANTED**. The Portuguese/English language declaration, which contains a statement as to its accuracy, and submitted on 18 August 2008, meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 18 August 2008.

Cynthia M. Kratz

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FOLEY & LARDNER LLP
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MILWAUKEE, WI 53202-5306

In re Application of PAROLARI et al	:	
U.S. Application No.: 12/064,238	:	
PCT Application No.: PCT/EP2006/065410	:	
Int. Filing Date: 17 August 2006	:	
Priority Date Claimed: 19 August 2005	:	DECISION
Attorney Docket No.: 035451-0353	:	
(5499.palm.us.org)	:	
For: METHOD FOR INDICATING LOST	:	
SEGMENTS	:	

This is in response to applicant's "Petition by Joint Inventors Filing on Behalf of Other Joint Inventor Who Cannot be Reached Under 37 C.F.R. § 1.47(a)" filed 29 September 2008.

BACKGROUND

On 17 August 2006, applicant filed international application PCT/EP2006/065410, which claimed priority of an earlier European Patent Office application filed 19 August 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 22 February 2007. The thirty-month period for paying the basic national fee in the United States expired on 19 February 2008.

On 19 February 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 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 29 September 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, the declaration executed by Thomas Stockhammer is proper. However, the declaration executed by Sergio Parolari is not acceptable. In particular, it is not sufficient to submit only the signature page of a declaration. Moreover, it is not proper to combine a signature page from one copy of a declaration with pages from a different copy of a declaration. Applicant must furnish the actual complete document executed by the inventor or a true copy of the actual complete document executed by the inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The 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. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

The petition states that joint inventor Leonardo Provvedi cannot be located. The petition sufficiently demonstrates that a diligent effort was made to find Mr. Provvedi. Specifically, the petition provides evidence of attempts to reach Mr. Provvedi by written correspondence, by electronic mail, by contacting Mr. Provvedi's former employer, and by contacting one of the joint inventors. However, the petition does not indicate whether the letter dated 25 July 2008 was successfully delivered to Mr. Provvedi. If Mr. Provvedi received the letter, it cannot be concluded that Mr. Provvedi cannot be found. It would be reasonable to conclude that Mr. Provvedi cannot be located if applicant demonstrates that Mr. Provvedi was not living at the address to which the 25 July 2008 letter was delivered. It is noted that applicant has not asserted that Mr. Provvedi refuses to sign. If applicant demonstrates that Mr. Provvedi did in fact personally receive the 25 July 2008 letter, Mr. Provvedi's failure to respond to such letter would evidence a constructive refusal to cooperate.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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18 MAR 2009

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

In re Application of PAROLARI et al	:	
U.S. Application No.: 12/064,238	:	
PCT Application No.: PCT/EP2006/065410	:	
Int. Filing Date: 17 August 2006	:	
Priority Date Claimed: 19 August 2005	:	DECISION
Attorney Docket No.: 035451-0353	:	
(5499.palm.us.org)	:	
For: METHOD FOR INDICATING LOST	:	
SEGMENTS	:	

This is in response to applicant's "Request for Reconsideration of Petition by Joint Inventors Filing on Behalf of Other Joint Inventor Who Cannot be Reached Under 37 C.F.R. § 1.47(a)" filed 10 February 2009.

BACKGROUND

On 17 August 2006, applicant filed international application PCT/EP2006/065410, which claimed priority of an earlier European Patent Office application filed 19 August 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 22 February 2007. The thirty-month period for paying the basic national fee in the United States expired on 19 February 2008.

On 19 February 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 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 29 September 2008, applicant filed a petition under 37 CFR 1.47(a).

On 10 December 2008, this Office mailed a decision dismissing the 29 September 2008 petition.

On 10 February 2008, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

The renewed petition includes a declaration executed by the previously nonsigning inventor. Although the petition is deemed a bona fide attempt to respond to the decision mailed 10 December 2008, the declaration executed by Sergio Parolari is not acceptable for the reasons previously set forth.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

A proper response must be filed within ONE (1) MONTH from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are NOT available under 37 CFR 1.136(a). A proper response would include one of the following: (1) a copy of the complete declaration previously executed by Sergio Parolari, (2) a complete declaration newly executed by Sergio Parolari, or (3) a petition under 37 CFR 1.47(a) to accept the application without the signature of Sergio Parolari.

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.

BryanLin

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0 3 JUL 2008

GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

In re Application of ELMS Application No.: 12/064,253 PCT No.: PCT/AU06/01214 Int. Filing Date: 22 August 2006 Priority Date: 22 August 2005 Attorney Docket No.: 4046-061 For: STABILISING MEANS	DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on applicant's petition under 37 CFR 1.182 to correct the inventor's name to ANTONY RICHARD ELMS, filed in the United States Patent and Trademark Office on 15 May 2008.

On 20 February 2008, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee.

On 15 May 2008, applicant filed an executed declaration of the sole inventor. The published international application identified the sole inventor as **Anthony** Richard Elms. However, the declaration identified the inventor as **Antony** Richard Elms and was executed as such. The declaration was accompanied by the instant petition under 37 CFR 1.182. The petition requests that inventor's name be corrected to **Antony** Richard Elms.

The petition under 37 CFR 1.182 to change the inventor's name from **Anthony** Richard Elms to **Antony** Richard Elms is **GRANTED**. The declaration submitted on 15 May 2008 is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **15 May 2008**.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286
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1 3 AUG 2008

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RICHARD J. STREIT
LADAS & PARRY LLP
224 S. MICHIGAN AVE.
CHICAGO, IL 60604

In re Application of	:	
GRACE, Christopher R. et al.	:	DECISION
Application No.: 12/064,260	:	
PCT No.: PCT/US2005/024747	:	ON PETITION UNDER
Int. Filing Date: 12 July 2005	:	
Priority Date: None	:	37 CFR 1.137(b)
Docket No.: CU-6397 RJS	:	
For: METAL SANDING DEVICES	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 20 February 2008 is **GRANTED**.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has furnished a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b). The surcharge for furnishing the search fee, examination fee or oath or declaration after 30 months from the priority date will be charged to deposit account no. 12-0400.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 20 February 2008.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/064,262	02/20/2008	Toshikazu Tatewaki	OHNO-43258	7417

52054 7590 02/18/2010
PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER
KOVAL, MELISSA J

ART UNIT	PAPER NUMBER
2862	

NOTIFICATION DATE	DELIVERY MODE
02/18/2010	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):

patdocket@pearne.com
dchervenak@pearne.com

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of	**: DECISION ON REQUEST TO**
Toshikazu TATEWAKI	**: PARTICIPATE IN THE PATENT**
Application No.: 12/064,262	**: PROSECUTION HIGHWAY**
Filed: 20 February 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: OHNO-43258	**: TO MAKE SPECIAL UNDER**
For: DOME TYPE CAMERA	**: 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 05 January 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application 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 <u>not</u> 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).

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.

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://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Lee W. Young
TQAS
Technology Center 2800

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22 OCT 2009

THE DOW CHEMICAL COMPANY
INTELLECTUAL PROPERTY SECTION
P.O. BOX 1967
MIDLAND, MI 48641-1967

In re Application of SHAN et al	:	
U.S. Application No.: 12/064,308	:	
PCT Application No.: PCT/US2006/032462	:	
Int. Filing Date: 18 August 2006	:	
Priority Date Claimed: 24 August 2005	:	DECISION
Attorney Docket No.: 64341A	:	
For: POLYOLEFIN COMPOSITIONS,	:	
ARTICLES MADE THEREFROM AND	:	
METHODS FOR PREPARING THE SAME	:	

This is in response to applicant's correspondence filed 09 December 2008 and 07 August 2009, which is collectively being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 18 August 2006, applicant filed international application PCT/US2006/032462, which claimed priority of an earlier United States application filed 24 August 2005. The thirty-month period for paying the basic national fee in the United States expired on 24 February 2008.

On 20 February 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 02 June 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which identified a discrepancy with respect to the first inventor's name.

On 07 July 2008, applicant filed a response to the Notification of Missing Requirements.

On 14 November 2008, this Office mailed a communication which stated that further clarification regarding the inventor's name is required.

On 09 December 2008 and 07 August 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the name of the first inventor is "Colin LiPiShan", while the published international application lists the first inventor's name as "Li Pi Shan".

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The present petition states that the discrepancy regarding the first inventor's name was the result of a typographical error. Applicant's explanation for the error is accepted and deemed a proper notification to the Office under MPEP 1893.01(e).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 18 August 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 February 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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01 JUL 2008

RECHES PATENTS
211 NORTH UNION STREET
SUITE 100
ALEXANDRIA VA 22314

In re Application of NISANYet al. Application No.: 12/064,353 PCT No.: PCT/IL06/00987 Int. Filing: 24 August 2006 Priority Date: 26 August 2005 Attorney Docket No.: 1521-Camtek-US For: WAFER INSPECTION SYSTEM AND A METHOD FOR TRANSLATING THE WAFERS	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 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 required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has now been provided. The required petition fee of $770 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements, indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
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0 9 JUL 2008

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ALEXANDRIA VA 22314

In re Application of	:	
REGENSBURGER	:	
U.S. Application No.: 12/064,357	:	DECISION ON PETITION
PCT No.: PCT/IL06/00995	:	
Int. Filing Date: 29 August 2006	:	UNDER 37 CFR 1.137(b)
Priority Date: 30 August 2005	:	
Attorney Docket No.: 3017/1-US	:	
For: AN INSPECTION SYSTEM AND A METHOD FOR DETECTING DEFECTS BASED UPON A REFERENCE FRAME	:	

The petition to revive under 37 CFR 1.137(b) filed 24 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 required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventor is required. It is noted that the executed declaration presently submitted lists and has been executed by an additional inventor, Yuri Postolov. The published international application identifies Mr. Postolov as an applicant but not an inventor.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
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12 AUG 2008

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In re Application of: REGENSBERGER	DECISION
U.S. Application No.: 12/064,367	
PCT Application No.: PCT/IL06/01007	ON
Int. Filing Date: 30 August 2006	
Priority Date: 01 September 2005	PETITION
Atty Docket No.: 1529-Camtek-US	
For: A Method and a System for Establishing an Inspection Recipe	UNDER
	37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 June 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant has submitted the requisite petition fee, the required reply in the form of the basic national fee under 35 U.S.C. 371, and the required statement of unintentional delay.

Therefore, the request to revive the application is granted as to the national stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements (FORM PCT/DO/EO/905), which should indicate that an executed 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 Administration

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DeMont & Breyer, LLC
100 Commons Way, Ste. 250
Holmdel, NJ 07733

Mail Date: 05/05/2010

Applicant	: Joerg Blanke	: DECISION ON REQUEST FOR
Patent Number	: 7667563	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 12/064,443	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/21/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

Applicant: Traversa et al.
Appl. No.: 12/064,461
International Filing Date: August 25, 2006
Title: POLYMER CONJUGATES OF K-252A AND DERIVATIVES THEREOF
Attorney Docket No.: 2923-866
Pub. No.: US 2008/0193517 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 7, 2008, for the above-identified application. Applicant requests that the application be republished because the patent application publication contains material error in representations of chemical formulae in claims 1 and 3.

The request is DISMISSED.

37 CFR 1.221 (b) is applicable "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." (Emphasis added) A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The errors are, in this case, not material Office error. The errors are due to the quality of the text, which is not clear due to the size, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52 and PCT Rule 11.9(d)(1). As set forth at MPEP 1121, "applications with poor quality text, which may be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will **not** be corrected by the Office in a corrected publication under 37 CFR 1.221(b)." (Emphasis added) Further note that the errors have not been alleged by applicant to affect the public's ability to appreciate the technical disclosure of

[1]Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the 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.

Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. The text is very small, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

MAR 2 7 2008

In re Application of	:	DECISION ON REQUEST TO
Young-Kyun LEE	:	PARTICIPATE IN PATENT
Application No. 12/064468	:	PROSECUTION HIGHWAY
Filed: February 22, 2008	:	PILOT PROGRAM AND PETITION
Attorney Docket No. Q106407	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 22, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fails to include:

that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s). For instance: US

Claim 1 does not incorporate the temperature limitation of Claim 2 as in Claim 1 of the allowed Claim 1 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.

Response must be faxed to Kathryn Gorgos at 571 273-1012.

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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Commissioner for Patents
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APR 2 1 2008

In re Application of	:	DECISION ON REQUEST TO
Young-Kyun LEE	:	PARTICIPATE IN PATENT
Application No. 12/064468	:	PROSECUTION HIGHWAY
Filed: February 22, 2008	:	PILOT PROGRAM AND PETITION
Attorney Docket No. Q106407	:	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 March 27, 2008 and the preliminary amendment, filed April 17, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kathryn Gorgos
TQAS TC 1700

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In re Application of
William Toreki

Application No. 12064487

Filed: November 18,2008

Attorney Docket No. QMT1.103-US

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 02-OCT-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

2 3 JUN 2008

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WASHINGTON DC 20001-5303

In re Application of	:	
ROSEN et al.	:	DECISION
Application No.: 12/064,489	:	
PCT No.: PCT/IL2006/000976	:	
Int. Filing Date: 22 August 2006	:	
Priority Date: 22 August 2005	:	
Attorney's Docket No.: ROSEN=1A	:	
For: MESSAGING SYSTEM AND METHOD	:	

This decision is in response to applicants' "COMMUNICATION RELATING TO INVENTORSHIP" filed 22 February 2008, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 22 August 2006, applicants filed international application PCT/IL2006/000976 which designated the U.S. and claimed a priority date of 22 August 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 01 March 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 February 2008.

On 22 February 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, a declaration of inventors, and the instant "COMMUNICATION RELATING TO INVENTORSHIP" which has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

The declaration of inventors submitted 22 February 2008 does not comply with 37 CFR 1.497(a)-(b) because it does not list the correct inventorship. There is a difference in names in the second-named inventor between the published international application (Koby ZIV) and the declaration of the inventor (Yaacov ZIV). Because this difference in names is more than a mere typographical error, a transliteration error, or a phonetic misspelling of applicant's legal name, a

proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of $400 as well as a statement from the inventor.

The petition states that the difference between Koby and Yaacov is similar to the difference between Bill and William. However, a petition under 37 CFR 1.182 would be required if the international application listed the inventor as Bill and the declaration listed the inventor as William.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

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. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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1 JUN 2009

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
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WASHINGTON DC 20001-5303

In re Application of	:	
ROSEN et al.	:	DECISION
Application No.: 12/064,489	:	
PCT No.: PCT/IL2006/000976	:	
Int. Filing Date: 22 August 2006	:	
Priority Date: 22 August 2005	:	
Attorney's Docket No.: ROSEN=1A	:	
For: MESSAGING SYSTEM AND METHOD	:	

This decision is in response to applicants' submission filed 24 November 2008, which has properly been treated as a petition under 37 CFR 1.182.

BACKGROUND

On 22 August 2006, applicants filed international application PCT/IL2006/000976 which designated the U.S. and claimed a priority date of 22 August 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 01 March 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 February 2008.

On 22 February 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, a declaration of inventors, and the instant "COMMUNICATION RELATING TO INVENTORSHIP" which was properly treated as a petition under 37 CFR 1.181.

On 23 June 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.181. Specifically, it was noted that because the difference in names in the second-named inventor between the published international application (Koby ZIV) and the declaration of the inventor (Yaacov ZIV) was more than a mere typographical error, a transliteration error, or a phonetic misspelling of applicant's legal name, a proper petition under 37 CFR 1.182 was required as well as a statement from the inventor.

On 24 November 2008, applicants filed the instant submission which has properly been treated as a petition under 37 CFR 1.182. The submission was accompanied by a petition/fee for a three-month extension of time and a statement from the inventor.

DISCUSSION

The petition fee has been paid. The statement of Yaacov Ziv filed 24 November 2008 is accepted. The declaration of inventors filed 22 February 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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2 3 OCT 2009

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NEW YORK, NY 10008-0770

In re Application of CHIKAMATSU et al	:	
U.S. Application No.: 12/064,508	:	
PCT Application No.: PCT/JP2006/316005	:	
Int. Filing Date: 14 August 2006	:	
Priority Date Claimed: 24 August 2005	:	DECISION
Attorney Docket No.: 06920/0209230-US0	:	
For: PROCESS FOR PRODUCTION OF LOWER HYDROCARBON AND APPARATUS FOR THE PRODUCTION	:	

This is in response to applicant's correspondence filed 19 August 2009, which is being treated as a petition under 37 CFR 1.182.

BACKGROUND

On 14 August 2006, applicant filed international application PCT/JP2006/316005, which claimed priority of an earlier Japan application filed 24 August 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 01 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 25 February 2008.

On 22 February 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 19 June 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 19 August 2009, applicant filed the present petition under 37 CFR 1.182 along with an executed declaration.

DISCUSSION

The petition states that the name of the fifth listed inventor has changed from "Chizu Murata" to "Chizu Inaki".

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. In the present case, the petition is accompanied by a statement from the inventor setting forth both names and specifying the procedure whereby the change of name was effected. However, the requisite petition fee has not been provided. The fee for a petition under 37 CFR 1.182 is $400.00 as set forth in 37 CFR 1.17(f). The authorization (contained in the petition) to charge up to $300.00 to Deposit Account No. 04-0100 for fees related to the petition limits applicant's general authorization (contained in the transmittal letter filed 22 February 2008) to charge any required fees. Therefore, the authorization to charge is insufficient to cover the requisite petition fee.

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. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182".

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
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06 JAN 2010

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NEW YORK, NY 10008-0770

In re Application of CHIKAMATSU et al	:	
U.S. Application No.: 12/064,508	:	
PCT Application No.: PCT/JP2006/316005	:	
Int. Filing Date: 14 August 2006	:	
Priority Date Claimed: 24 August 2005	:	DECISION
Attorney Docket No.: 06920/0209230-US0	:	
For: PROCESS FOR PRODUCTION OF LOWER HYDROCARBON AND APPARATUS FOR THE PRODUCTION	:	

This is in response to applicant's renewed petition under 37 CFR 1.182 filed 11 November 2009.

BACKGROUND

On 14 August 2006, applicant filed international application PCT/JP2006/316005, which claimed priority of an earlier Japan application filed 24 August 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 01 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 25 February 2008.

On 22 February 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 19 June 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 19 August 2009, applicant filed a petition under 37 CFR 1.182 along with an executed declaration.

On 23 October 2009, this Office mailed a decision dismissing the 19 August 2009 petition.

On 11 November 2009, applicant filed the present renewed petition under 37 CFR 1.182.

DISCUSSION

The petition states that the name of the fifth listed inventor has changed from "Chizu Murata" to "Chizu Inaki".

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, petitioner has supplied a statement from the inventor setting forth both names and specifying the procedure whereby the change of name was effected. Furthermore, the requisite petition fee has been provided.

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 14 August 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 February 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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0 3 DEC 2008

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
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MINNEAPOLIS MN 55402

In re Application of: CARSON ET AL.	:	
U.S. Application No.: 12/064,529	:	
PCT Application No.: PCT/US2006/032371	:	
Int. Filing Date: 21 August 2006	:	DECISION
Priority Date: 22 August 2005	:	
Atty Docket No.: 103.044US1	:	
For: TLR AGONISTS	:	
	:	

This is in response to applicants' submission of 06 August 2008, which was accompanied by, *inter alia*, a declaration of the inventor in response to a Notification of Missing Requirements of 06 May 2008. The indication in the declaration that inventor Kenji TAKABAYASHI is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 21 August 2006, applicants filed international application number PCT/US2006/032371, which claimed priority to an earlier United States provisional application filed 22 August 2005. The thirty month national stage deadline expired on 22 February 2008.

On 22 February 2008, applicants filed national stage papers in the United States Designated Office (DO/EO/US). The submission included, inter alia, the requisite basic national fee and an unexecuted declaration.

On 06 May 2008, the United States Designated Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PC/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

DISCUSSION

The declaration executed by the legal representative fails to include the residence, mailing address and citizenship of both the legal representative and the deceased inventor (37 CFR 1.497(b)(2) and 37 CFR 1.497(a)(3). In addition, the residence and mailing address appears

to be that of the deceased inventor, not that of the legal representative, as required under 37 CFR 1.497(b)(2), as this data corresponds to the mailing address and residence provided for the inventor in the international phase.

CONCLUSION

Applicants request under 37 CFR 1.42 is **DISMISSED** for the reasons set forth above.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497(a)(3) within a time period of **TWO (2) MONTHS** from the mail date of this communication. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

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, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Katherine Moran/

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Boris Milief
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0 2 JUN 2009

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In re Application of:	:	
Dennis A. Carson et al.	:	DECISION
Application No.: 12/064,529	:	
PCT Application No.: PCT/US2006/032371	:	ON PAPERS
Int. Filing Date: 21 August 2006	:	
Priority Date: 22 August 2005	:	FILED UNDER
Atty Docket No.: 103.044US1	:	
For: TLR AGONISTS	:	37 CFR 1.42

Applicants' submission of a signed Declaration and Power of Attorney on 02 February 2009 in accordance with 37 CFR 1.42 is **ACCEPTED**.

BACKGROUND

On 21 August 2006, applicants filed international application PCT/US2006/6032371. The international application claims a priority date of 22 August 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 22 February 2008.

On 22 February 2008, applicants filed a transmittal letter requesting entry into the national phase under 35 U.S.C. 371 accompanied by, *inter alia*, authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1).

On 6 August 2008, applicants filed a request for status under 37 CFR 1.42 along with executed declarations.

On 03 December 2008, this office mailed a decision dismissing the 06 August 2008 request for status.

On 02 February 2009, applicant filed the present renewed request for status under 37 CFR 1. 42 along with executed declarations.

On 05 February 2009, applicant filed executed declarations.

DISCUSSION

37 CFR 1.42 provides, "in case of death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifics that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declarations filed 05 February 2009 are in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an international filing date under 35 U.S.C. 363 of 21 August 2006 and a date under 35 U.S.C. 371(c)(1), (c)(2), (c)(4) of 05 February 2009.

The 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/064,538		Takeshi Kanno	KKW-0001	1709

23353 7590 03/21/2008
RADER FISHMAN & GRAUER PLLC
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1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

ART UNIT	PAPER NUMBER
2153	

MAIL DATE	DELIVERY MODE
03/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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RADER FISHMAN & GRAUER PLLC
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WASHINGTON DC 20036

In re Application of: Takeshi KANNO
Application No. 12/064,538
Filed: February 22, 2008
For: ADVERTISEMENT DISTRIBUTION SYSTEM, DEVICE AND METHOD, AND ADVERTISEMENT DISTRIBUTION PROGRAM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 22, 2008 to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:

A. Item 3 above. Specifically,

1) Claim12 of the instant application differs in scope form the corresponding claim 9 of the Japanese allowed application. Claim 12 has the additional limitation "a step where said advertisement distribution management device determines in a category determining device one piece of category information out of the category information extracted in said category extracting device;" on page 16 of the claims. This limitation is not found in the corresponding claim of the allowed Japanese application.

Applicant is requested to review all the claims in view of the comments above to make sure that all the claims are in compliance with guidelines set forth above for a grantable petition to make special.

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 faxed to Mano Padmanabhan at 571-273-4210 (RightFax) or 571-273-0308.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Mano Padmanabhan

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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.
12/064,538		Takeshi Kanno	KKW-0001	1709

23353 7590 09/23/2008
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

ART UNIT	PAPER NUMBER
2153	

MAIL DATE	DELIVERY MODE
09/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SEP 23 2008

TECHNOLOGY CENTER 2100

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

In re Application of: Takeshi KANNO
Application No. 12/064,538
Filed: February 22, 2008
For: ADVERTISEMENT DISTRIBUTION SYSTEM, DEVICE AND METHOD, AND ADVERTISEMENT DISTRIBUTION PROGRAM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 22, 2008 2008 and the request for reconsideration of adverse decision filed April 10, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English

translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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.
12/064,603	02/22/2008	Markus Donald Herrema	NEWLT.001BNP	1267

20995 7590 04/09/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
KOSSON, ROSANNE

ART UNIT	PAPER NUMBER
1652	

NOTIFICATION DATE	DELIVERY MODE
04/09/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

Applicant: Herrema et al.
Appl. No.: 12/064,603
Filing Date: February 22, 2008
Title: PROCESS FOR THE TREATMENT OF METHANE EMISSIONS
Attorney Docket No.: NEWLT.001BNP
Pub. No.: US 2008/0241886 A1
Pub. Date: October 2, 2008

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 1, 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**. In addition, the Applicant did not provide a copy of the application papers for publication purposes. 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.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

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Adjustment date: 04/09/2010  KKING1
10/02/2009 INTEFSW  00005140 12064603
02 FC:1504                      -300.00 OP


Refund Ref:
04/09/2010            0030082236
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Credit Card Refund Total:      $300.00

Master C: XXXXXXXXXXXX5583
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KNOBBE MARTENS OLSON & BEAR, LLP
2040 MAIN STREET
FOURTEENTH FLOOR
INVINE, CA 92614

MAILED
JUN 29 2010
OFFICE OF PETITIONS

Applicant: Herrema, et al.
Appl. No.: 12/064,603
International Filing Date: December 29, 2005
Title: PROCESS FOR THE TREATMENT OF SUBSTRATE-VARIABLE METHANE EMISSIONS
Attorney Docket No.: NEWLT.001BNP
Pub. No.: US 2009/0241886 A1
Pub. Date: October 2, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 1, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the assignee's name is incorrect, The "Related US Application Data" is not listed on the front page, and the figure chosen as the representative figure is incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request for corrected publication, received October 1, 2009, was not timely filed under 37 CFR 1.221(b).

The error on the front page of the publication wherein the assignee's name "Herrema-Kimmel, LLC" is misprinted as "Hedrrema-Kimmel, LLC" may be an Office error, but it is not a material

[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).

Office error under 37 CFR 1.221. Applicant should not file requests for corrected publication when a publication includes errors in assignment information or missing assignment information. See MPEP 1130. Furthermore, the misprinting of the assignee's name does not affect the understanding of the application.

With respect to the "Related U.S. Application Data", the first paragraph of the specification contains the proper Related U.S. Application Data, thus one can read and understand the application. With respect to publishing Fig. 1 on the front page instead of Fig. 4, the Office may select which drawing is to be published. The error's does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On June 24, 2008 and October 20, 2008 a Filing Receipt was mailed by the Office, which incorrectly listed the assignee's name. The Filing Receipt of June 24, 2008 incorrectly listed the Related US Application Data. 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".

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
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

0 8 APR 2009

Foley & Lardner LLP
975 Page Mill Road
Palo Alto, CA 94304

In re Application of GREEN et al. U.S. Application No. 12/064,632 PCT No.: PCT/GB06/03207 Int. Filing Date: 25 August 2006 Priority Date: 26 August 2005 Attorney Docket No.: 87792.020208 For: COMBINATIONS COMPRISING DMXAA FOR THE TREATMENT OF CANCER	:	COMMUNICATION REGARDING SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to the declaration filed 03 November 2008, which is being treated as a Request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 25 August 2006, applicant filed international application PCT/GB06/03207. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 01 March 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 February 2008.

On 24 February 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; a copy of the international application; a preliminary amendment; and an unexecuted declaration.

On 03 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). Furthermore, the Notification stated that the sequence listing was not in compliance with 37 CFR 1.821-1.825. The notification set a two-month time limit in which to respond.

On 03 November 2008, applicant filed a declaration executed by Colin Green and Gail Rowlinson-Busza as inventors and Sally Kelland on behalf of deceased inventor, Lloyd Kelland.

DISCUSSION

A. Request under 37 CFR 1.42

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration submitted on 03 November 2008 was executed by Sally Kelland as "legal representative" of deceased inventor, Lloyd Kelland. The declaration submitted appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

37 CFR 1.497(b)(2) requires that citizenship, mailing address, and residence information be provided for **both** the deceased inventor and the legal representative. Here, the declaration filed 03 November 2008 does not comply with 37 CFR 1.497(b)(2), discussed above, in that it does not include the citizenship of the legal representative, Sally Kelland.

Because the declaration submitted does not include all the information required by 37 CFR 1.497(b)(2), the declaration cannot be accepted under 37 CFR 1.497 and 1.42.

B. Sequence Listing under 37 CFR 1.821-1.825

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 03 June 2008 indicated that the nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements set forth in 37 CFR 1. 1.821-825. Applicant states, "the application does not contain subject matter related to amino acids and /or polynucleotides." As such, the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 03 June 2008 is vacated in part.

CONCLUSION

For the reasons discussed above, the request for status under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicant has **TWO (2) MONTHS** from the mailing date of this communication to submit a proper response under 37 CFR 1.42 and 37 CFR 1.497. Failure to provide a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a). A proper response must include a new declaration in compliance with 37 CFR 1.497 executed by the legal representative and including all the required information discussed above.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

12 NOV 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Foley & Lardner LLP
975 Page Mill Road
Palo Alto, CA 94304

In re Application of GREEN et al. U.S. Application No. 12/064,632 PCT No.: PCT/GB06/03207 Int. Filing Date: 25 August 2006 Priority Date: 26 August 2005 Attorney Docket No.: 87792.020208 For: COMBINATIONS COMPRISING DMXAA FOR THE TREATMENT OF CANCER	:	COMMUNICATION REGARDING SUBMISSION UNDER 37 CFR 1.42

In a decision mailed by this Office on 08 April 2009, the declaration filed by applicant on behalf of deceased inventor Lloyd Kelland was dismissed for failure to include all the information required under 37 CFR 1.497.

On 08 September 2009, applicant filed "Reply to Communication under 37 CFR 1.42 and Request for Refund" to the previous communication that was accompanied by a revised declaration. The declaration submitted on 08 September 2009 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Sally Kelland as "Legal Representative," states her relationship to the deceased (i.e., Legal Representative), and provides the Legal Representative's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is **ACCEPTED**.

The extension of time fee ($1110) submitted with present communication has been refunded to counsel's credit card. It is noted that a paper copy of the communication dated 08 April 2009 was not mailed since applicant's previous representative was a participant in the USPTO's electronic notification of outgoing correspondence ("e-office action") program. Based on the above, the Communication Regarding Submission under 37 CFR 1.42 dated 08 April 2009 is considered not to have been properly issued.

The request for refund under 37 CFR 1.26 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
Tel: (571) 272-3298
Fax: (571) 273-0459

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United States Patent and Trademark Office
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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

MAILED

APR 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Green et al.	:	DECISION ON PETITION
Application No. 12/064,632	:	TO WITHDRAW
Filed: September 8, 2009	:	FROM RECORD
Attorney Docket No. NVT-089US	:	

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 3, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on April 7, 2010 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: LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

3 0 JUL 2009

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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Application of	:	
YUYAMA, Hiroyuki, et al.	:	DECISION
Application No.: 12/064,740	:	
PCT No.: PCT/JP2006/316448	:	ON PETITION UNDER
Int. Filing Date: 23 August 2006	:	
Priority Date: 25 August 2005	:	37 CFR 1.47(a)
Docket No.: 3427.23US01	:	
For: MEDICINE DISPENSER	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 02 June 2009.

BACKGROUND

On 03 March 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 02 June 2009, applicant filed this petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (2), (3) and (4) have been satisfied. The petition fee will be charged to deposit account no. 16-0631, as authorized. Mr. Minami has indicated that he does not want application papers sent to him and will not sign them if they are presented. Applicant states the last known address of Mr. Tasuku Minami as 4-5-5, Ueno Nishi, Toyonaka City, Osaka, 560-0011, Japan. The declaration complies with 37 CFR 1.47 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision. The application has a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **02 June 2009**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

3 0 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Tasuku Minami
4-5-5, Ueno Nishi
Toyonaka City, Osaka, 560-0011
Japan

In re Application of
YUYAMA, Hiroyuki, et al.
Application No.: 12/064,740
PCT No.: PCT/JP2006/316448
Int. Filing Date: 23 August 2006
Priority Date: 25 August 2005
Docket No.: 3427.23US01
For: MEDICINE DISPENSER

Dear Mr. Minami:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

23 JUL 2008

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

In re Application of HSIEH et al	:	
U.S. Application No.: 12/064,788	:	
PCT Application No.: PCT/US2006/031109	:	DECISION
Int. Filing Date: 08 August 2006	:	
Priority Date Claimed: 25 August 2005	:	
Attorney Docket No.: MS6-0088US	:	
For: SELECTION AND DISPLAY OF USER-CREATED DOCUMENTS	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 09 July 2008.

BACKGROUND

On 08 August 2006, applicant filed international application PCT/US2006/031109, which claimed priority of an earlier European Patent Office application filed 25 August 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 01 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 25 February 2008.

On 25 February 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 February 2008, international application PCT/US2006/031109 became abandoned as to the United States for failure to timely pay the basic national fee.

On 09 July 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

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 08 August 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 09 July 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

3 1 MAR 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of: JEONG, Byung-Jang, et al. U.S. Application No.: 12/064,804 PCT No.: PCT/KR2006/003300 International Filing Date: 22 August 2006 Priority Date: 23 August 2005 Attorney's Docket No.: YOM-0481 For: TRANSMITTER IN FDMA COMMUNICATION SYSTEM AND METHOD FOR CONFIGURING PILOT CHANNEL	DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the materials filed 25 August 2008, treated herein as a request under 37 CFR 1.497(d) to add Hyo-Jin LEE as an additional inventor of record. Deposit Account No. 06-1130 will be charged the required $130 processing fee.

BACKGROUND

On 22 August 2006, applicants filed international application PCT/KR2006/003300. The application claimed a priority date of 23 August 2005, and it designated the United States. On 01 March 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 25 February 2008 (23 February 2008 was a Saturday). The published international application identified two applicant/inventors for the U.S.: Byung-Jang JEONG and Jae-Young AHN.

On 25 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, an English translation of the international application, and an executed declaration. The declaration was executed by the inventors of record, as well as an additional inventor, Hyo-Jin LEE.

On 26 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an acceptable oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. The Notification indicated that

the declaration filed 25 February 2008 was defective because it included a third inventor who was not of record.

On 25 August 2008, applicants filed the materials considered below under 37 CFR 1.497(d). This submission requests that the additional inventor listed on the declaration filed 25 February 2008, Hyo-Jin LEE, be added as an additional inventor of record in the present application.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The declaration filed by applicants on 25 February 2008 names an inventive entity different than that set forth in the international application. Specifically, Hyo-Jin LEE has been added as an additional inventor. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statement of non-deceptive intent from the person to be added as an inventor (Hyo-Jin LEE), as well as the authorization to charge Deposit Account No. 06-1130 required fees, pursuant to which the required processing fee will be charged to the Deposit Account. Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted the consent of the assignee to the requested change in inventorship, and such consent has been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied.

Based on the above, applicants have satisfied the requirements of a grantable request to correct the inventors of record under 37 CFR 1.497(d). In view of this correction, the declaration filed 25 February 2008 is no longer defective for failure to properly identify the inventors of record.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**. The inventorship of record herein is corrected to include added inventor Hyo-Jin LEE.

Based on the correction of inventorship, the declaration filed on 25 February 2008 is now acceptable in compliance with 37 CFR 1.497(a) and (b).

Deposit Account No. 06-1130 will be charged the required $130 processing fee

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 25 February 2008.

Richard M. Ross
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IRVINE CA 92614

In re Application of SPITAELS et al. Application No.: 12/064,812 PCT No.: PCT/EP06/65569 Int. Filing Date: 22 August 2006 Priority Date: 22 August 2005 Attorney Docket No.: DECLE147.001APC For: COMBINED SET COMPRISING A VIBRATOR ACTUATOR AND AN IMPLANTABLE DEVICE	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 25 February 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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11 MAR 2008

27045
ERICSSON INC.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

In re Application of
BLANCO BLANCO *et al*
U.S. Application No.: 12/064,955
PCT No.: PCT/SE2005/001207
Int. Filing Date: 12 August 2005
Priority Date: None
Attorney Docket No.: P20923-US1
For: PROVISION OF PUBLIC SERVICE IDENTITIES

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 26 February 2008 is hereby **GRANTED** as follows:

The basic national fee and petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was not provided.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee are required.

James Thomson
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APR 23 2010

OFFICE OF PETITIONS

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of
Anne Sophie Brillouet et al.
Application No. 12/065,013
Filed: August 26, 2008
Attorney Docket Number: **J&J5193USPCT**

ON PETITION

This is a decision on the petition under 37 CFR 1.182 filed February 4, 2010, to correct the name of the Inventor due to marriage.

The petition is **GRANTED**.

Petitioner has requested that the inventor formerly known as Carole Dupressoir be listed as Carole Corvez. The petition fee, a Supplemental Declaration identifying the inventor as Carole Corvez and of how the change was effected, marriage, has been submitted in compliance with 37 CFR 1.182.

In view of the instant request, the following inventor name data will be changed.

Inventor 3) Carole Corvez

The petition fee was not included with the petition as indicated on the Transmittal Cover Sheet and thus is in fact due. Petitioner's deposit account no. 10-0750 has therefore been charged in the amount of $400.00 per the authorization contained in the instant petition.

This matter is being referred to Technology Center 1641 for examination in due course.

Telephone inquiries concerning this matter should be directed to the undesigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/065,013	08/26/2008	1616	530	J&J5193USPCT	8	1

CONFIRMATION NO. 5339

CORRECTED FILING RECEIPT

27777
PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

OC000000041230315

Date Mailed: 04/22/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Anne Sophie Brillouet, Los Angeles, CA;
Isabelle Tischenbach, Louviers, FRANCE;
Carole Corvez, Poissy, FRANCE;
Curtis A. Cole, Ringoes, NJ;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP2006/006656 07/07/2006

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 05291800.0 08/29/2005

If Required, Foreign Filing License Granted: 05/19/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/065,013**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SUNSCREEN COMPOSITION COMPRISING A DIBENZOYLMETHANE, AN AMINOHYDROXYBENZOPHENONE, A TRIAZINE AND A TRIAZOLE AS UV FILTERS

Preliminary Class

424

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).

2 0 JUL 2009

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of	:	
OIDA, Jun, et al.	:	
Application No.: 12/065,030	:	DECISION ON
PCT No.: PCT/JP2006/316897	:	
Int. Filing Date: 28 August 2006	:	PETITION
Priority Date: 31 August 2005	:	
Attorney Docket No.: 00862.124228.	:	UNDER 37 CFR 1.182
For: DIGITAL BROADCAST ...	:	
CONTROL METHOD THEREOF	:	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 20 May 2009.

BACKGROUND

On 27 February 2008, applicants submitted a declaration of the inventors.

On 03 March 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the second inventor was not listed on the published international application.

On 20 May 2009, applicant submitted a petition under 37 CFR 1.182.

DISCUSSION

The fee for a petition under 37 CFR 1.182 has been paid. Applicant has supplied a statement signed by Eri Kanai stating that she was formerly known as Eri Togashi, but that she legally changed her name to Eri Kanai. The 27 February 2008 declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
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PCT Legal Administration

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22 JAN 2009

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606-6357

In re Application of:	:	
MARCO, Michael, et al.	:	DECISION
U.S. Application No.: 12/065,054	:	
PCT No.: PCT/EP2006/065843	:	
International Filing Date: 31 August 2006	:	
Priority Date: 07 September 2005	:	
Attorney's Docket No.: 29827/43673	:	
For: NEUTRALIZATION PROCESS	:	

This decision is issued in response to the "Request For Correction Of Inventorship Under 37 CFR 1.497" filed 18 September 2008. Applicants have paid the required $130 processing fee.

BACKGROUND

On 31 August 2006, applicants filed international application PCT/EP2006/065843. The application claimed a priority date of 07 September 2005, and it designated the United States. On 15 March 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 07 March 2008. The published international application identified the first inventor as Michael MARCO, and it included a sixth inventor, Rudiger FUNK.

On 27 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 basic national fee, an English translation of the international application, and a declaration executed by 5 inventors. The declaration did not include the sixth inventor of record, Rudiger FUNK, and it identified the first inventor as Michael de MARCO, rather than Michael MARCO.

On 05 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an acceptable declaration and the surcharge for filing such declaration later than thirty months after the priority date were required. The Notification indicated that the declaration filed 27 February 2008 was unacceptable based on the inconsistency in the first inventor's name and the failure to include the sixth inventor of record, Rudiger FUNK.

On 18 September 2008, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response indicated that the correct name of the

first inventor was Michael de MARCO, as indicated on the declaration, and it included the "Request For Correction Of Inventorship Under 37 CFR 1.497" considered herein. Such request seeks the removal of Rudiger FUNK as an inventor of record herein.

DISCUSSION

1. Proposed Change In The First Inventor's Name

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

In the present application, the discrepancy between the first inventor's name as listed in the international application (Michael MARCO) and in the filed declaration (Michael de MARCO) is more than a "typographical or transliteration error." Accordingly, in order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required. Such a petition requires payment of the applicable $400 petition fee and statements from the inventor and any other person(s) having firsthand knowledge regarding the error/discrepancy in the inventor's name. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.[1]

Based on applicants' failure to file the petition required to correct the first inventor's name, the declaration filed 27 February 2008 remains defective for failure to properly identify the first inventor.

2. Request To Remove Rudiger FUNK As Inventor Of Record

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive**

[1] It is noted that, if the inventor's name has actually changed since the filing of the international application, then MPEP section 605.04(c) requires "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."

> **entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicants have filed a declaration that names an inventive entity different than that set forth in the international application (specifically, Rudiger FUNK has been removed as an inventor). Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The "Request For Correction Of Inventorship Under 37 CFR 1.497(d)" filed by applicants includes the required statement of non-deceptive intent from the person to be removed from the application, as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. However, applicants have not submitted the written consent of assignee to the requested change in inventorship. Requirement (C) is therefore not satisfied.[2]

Based on the above, applicants have failed to submit all the requirements of a grantable request under 37 CFR 1.497(d).[3] Accordingly, the request to remove Rudiger FUNK as an inventor of record is appropriately dismissed on the present record.

Based on the above, the declaration filed 27 February 2008 remains defective for failure to properly identify the inventors of record herein.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The inventorship of record herein remains that set forth in the international application, that is, the name of record for the first inventor remains Michael MARCO, and the sixth inventor, Rudiger FUNK, remains of record.

The declaration filed 27 February 2008, which identifies the first inventor as Michael de MARCO, and which fails to include Rudiger FUNK, remains defective on the present record for failure to properly identify the inventors of record herein.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for

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[2] It is noted that such assignee consent must be submitted in compliance with 37 CFR 3.73(b).

[3] 37 CFR 1.497(d) also requires the submission of an acceptable declaration naming the correct inventive entity. As discussed above, the present declaration is also defective on the present record with respect to the first inventor's name.

reconsideration should include a cover letter entitled "Renewed Petition Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy item (C) of a grantable request under 37 CFR 1.497(d), as discussed above and in the MPEP, that is, the written consent of the assignee to the proposed change of inventorship in the form required by 37 CFR 3.73(b), as well as a grantable petition under 37 CFR 1.182 to correct the name of record for the first inventor from Michael MARCO to Michael de MARCO.

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
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Office of PCT Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

30 APR 2009

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606-6357

In re Application of:	:	
Michael de MARCO, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/065,054	:	REQUEST UNDER
PCT No.: PCT/EP2006/065843	:	37 CFR 1.497(d) AND PETITION
International Filing Date: 31 August 2006	:	UNDER 37 CFR 1.182
Priority Date: 07 September 2005	:	
Attorney's Docket No.: 29827/43673	:	
For: NEUTRALIZATION PROCESS	:	

This decision is issued in response to the "Renewed Request Under 37 CFR 1.497(d)" filed 18 March 2009, treated herein under 37 CFR 1.497(d) and 37 CFR 1.182. Applicants have paid the $400 petition fee required for the petition under 37 CFR 1.182 (the processing fee for the request under 37 CFR 1.497(d) has previously been submitted).

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 22 January 2009. The petition dismissed without prejudice applicants' request to correct inventorship under 37 CFR 1.497(d) for failure to include all requirements of a grantable request. Specifically, the decision indicated that the consent of the assignee to the requested change of inventorship and a grantable petition under 37 CFR 1.182 to correct the name of record for the first inventor were required before the declaration filed on 27 February 2008 could be accepted in compliance with 37 CFR 1.497.

On 18 March 2009, applicants filed the "Renewed Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

1. Petition Under 37 CFR 1.182 To Correct The First Inventor's Name

The "Statement Of Michael De Marco" and petition fee included with the present submission are accepted as satisfying the requirements of a grantable petition to correct the name of record for the first inventor from Michael MARCO to Michael de MARCO. Based on this correction, the declaration filed herein on 27 February 2008 is no longer defective for failure to properly identify the first inventor.

2. Renewed Request To Remove Rudiger FUNK As Inventor Of Record

As set forth in the previous decision, the final outstanding requirement for a grantable request under 37 CFR 1.497(d) to remove Rudiger FUNK as an inventor of record is the consent of the assignee to the requested change. The present submission includes the written consent of the assignee to the requested change, and the consent is provided in compliance with 37 CFR 3.73(b). Applicants have therefore now satisfied the final requirement for a grantable request under 37 CFR 1.497(d) to remove Rudiger FUNK as an inventor of record.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for the first inventor to Michael de MARCO is **GRANTED**.

Applicants' renewed request to remove Rudiger FUNK as an inventor of record under 37 CFR 1.497(d) is **GRANTED**.

Based on the above corrections in the inventors of record, the declaration filed 27 February 2008 is no longer defective for failure to properly identify the inventors of record herein. This declaration may now be accepted in compliance with 37 CFR 1.497.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 27 February 2008.

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Facsimile: (571) 273-0459

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TROJAN LAW OFFICES
9250 WILSHIRE BLVD
SUITE 325
BEVERLY HILLS CA 90212

MAILED

JUN 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Tetsuya Mochizuki, et al.	:	
Application No. 12/065,128	:	DECISION GRANTING PETITION
Filed: March 18, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 08-02-4842	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 17, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 27, 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 3749 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

Terri Williams
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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JUL 16 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of	:	
KIMURA, YOSHIO et al.	:	DECISION ON REQUEST TO
Application No. 12/065,143	:	PARTICIPATE IN PATENT
Filed: February 28, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 00862.121057.	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 27, 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

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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WHITHAM, CURTIS & CHRISTOFFERSON, P.C.
11491 SUNSET HILLS ROAD, SUITE 340
RESTON VA 20190

MAILED

MAY 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Gregory J. Fredeman, et al.	:	
Application No. 12/065,202	:	DECISION GRANTING PETITION
Filed: July 24, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. FIS920050259US1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, May 4, 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 25, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2827 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson

Terri Johnson
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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17 OCT 2008

25247
Gordon E. Nelson
Patent Attorney, PC
57 Central St.
P.O. Box 782
Rowley, MA 01969

In re Application of HAVERTY, James D. U.S. Application No.: 12/065,225 PCT No.: PCT/US2006/033738 Int. Filing Date: 29 August 2006 Priority Date: 29 August 2005 Docket No.: comhou01.015 For: METHODS OF REMOTELY IDENTIFYING, SUPPRESSING, DISABLING AND ACCESS FILTERING WIRELESS DEVICES OF INTEREST . . .	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 16 July 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,269	02/28/2008	Hyeon O Oh	24622-0096US1	7907

26171 7590 06/10/2009
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
DORVIL, RICHEMOND

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
06/10/2009	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.

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MINNEAPOLIS, MN 55440-1022

In re Application of	:	
OH, HYEON O. et al.	:	DECISION ON REQUEST TO
Application No. 12/065,269	:	PARTICIPATE IN PATENT
Filed: February 28, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 24622-0096US1	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 19, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 is deficient as follows:

Petitioner has not complied with item 2 above. Allowed claims have been provided for KIPO application 10-2008-7005992 and correspondence to the claims of the instant application shown.

However, the relationship of the above KIPO application and that of KIPO applications 10-2006-0056480, 10-2006-0004056, 10-2006-0004055, 10-2006-0004065 and PCT/KR06/03435 for which priority is claimed has not been established. In response to this decision, Petitioner should establish the relationship between the application containing the allowed claims and those for which priority is claimed.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to 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.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,269	02/28/2008	Hyeon O Oh	24622-0096US1	7907

26171 7590 09/28/2009
FISH & RICHARDSON P.C.
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EXAMINER
DORVIL, RICHEMOND

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
09/28/2009	ELECTRONIC

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In re Application of	:	
OH, HYEON O, et al.	:	DECISION ON REQUEST TO
Application No. 12/065,269	:	PARTICIPATE IN PATENT
Filed: February 28, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 24622-0096US1	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 10, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the 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 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 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,270	02/28/2008	Hyeon O. Oh	24622-0097US1	7916

26171 7590 06/10/2009
FISH & RICHARDSON P.C.
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EXAMINER

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
06/10/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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MINNEAPOLIS, MN 55440-1022

In re Application of	:	
OH, HYEON O. et al.	:	DECISION ON REQUEST TO
Application No. 12/065,270	:	PARTICIPATE IN PATENT
Filed: February 28, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 24622-0097US1	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 19, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 is deficient as follows:

Petitioner has not complied with items 2 and 3 above. For item 2, allowed claims have been provided for KIPO application 10-2008-7005993 and correspondence to most of the claims of

the instant application shown. However, the relationship of the above KIPO application and that of KIPO applications 10-2006-0056480, 10-2006-0004056, 10-2006-0004055, 10-2006-0004065 and PCT/KR06/03436 for which priority is claimed has not been established. In response to this decision, Petitioner should establish the relationship between the application containing the allowed claims and those for which priority is claimed. For item 3, claims 15 and 16 of this instant application do not correspond to allowable claims 15 and 16 of KIPO application 10-2008-7005993.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to 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.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,270	02/28/2008	Hyeon O. Oh	24622-0097US1	7916

26171 7590 09/28/2009
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
DORVIL, RICHEMOND

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
09/28/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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In re Application of	:	
OH, HYEON O, et al.	:	DECISION ON REQUEST TO
Application No. 12/065,270	:	PARTICIPATE IN PATENT
Filed: February 28, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 24622-0097US1	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 10, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the 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 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 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,335	03/03/2008	Pieter Rottiers	DECLE132.002APC	8568

20995 7590 02/03/2009
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ART UNIT	PAPER NUMBER
1633	

NOTIFICATION DATE	DELIVERY MODE
02/03/2009	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):

jcartee@kmob.com
eOAPilot@kmob.com

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Date Mailed: February 3, 2009

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

Applicant: Rottiers et al.
Appl. No.: 12/065,335
Filing Date: March 3, 2008
Title: ANTI-TNF ALPHA PRODUCING LACTIC ACID BACTERIA FOR THE TREATMENT OF CHRONIC ENTEROCOLITIS
Attorney Docket No.: DECLE132.002APC
Pub. No.: US 2008/0274084 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 January 16, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, **as a Pre-Grant publication submission.** The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Program & Management Analyst
Office of Data Management

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Adjustment date: 02/03/2009  KKING1
01/21/2009 INTEFSW  00003661 12065335
01 FC:1504                      -300.00 OP


Refund Ref:
02/03/2009            0030066252
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Credit Card Refund Total:      $300.00

Master C: XXXXXXXXXXXX5583
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0 2 JUN 2008

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Young & Thompson
209 Madison Street
Suite 500
Alexandria VA 22314

In re Application of:
BEAU, Godefroy
U.S. Application No.: 12/065,344
PCT No.: PCT/FR2006/001849
International Filing Date: 28 July 2006
Priority Date: 29 July 2005
Atty Docket No.: 0522-1031
For: METHOD FOR MAKING A PART COMPRISING A FOAM LAYER BORNE BY A SUPPORT

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 29 February 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 29 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 was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that applicant's 29 February 2008 submission included an English translation of the international application and payment of the $130 processing fee required for filing the translation later than thirty months after the priority date.

It is also noted that an executed declaration was filed during the international phase pursuant to PCT Rule 4.17(iv).

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 29 February 2008.

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE NW, SUITE 800
WASHINGTON, DC 20037

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In re Application of	:	
Takashi UDAGAWA	:	
Application No. 12/065,363	:	DECISION GRANTING PETITION
Filed: August 1, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **Q90139**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 11, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 1, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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OFFICE OF PETITIONS

FOLEY & LARDNER, LLP
SUITE 500
3000 K STREET, NW
WASHINGTON, DC 20007

In re Application of	:	
Peter Josef Flor, et al.	:	
Application No. 12/065,388	:	DECISION ON PETITION
Filed: February 29, 2008	:	TO WITHDRAW
Attorney Docket No. 093286-0131	:	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

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1 1 SEP 2009

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23599
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2200 Clarendon Blvd.
Suite 1400
Arlington, VA 22201

In re Application of	:	
YANO *et al*	:	
Application No.: 12/065,405	:	
PCT No.: PCT/JP2006/317135	:	
Int. Filing Date: 30 August 2006	:	
Priority Date: 01 September 2005	:	**DECISION**
Attorney Docket No.: HEIWA-0009	:	
For: SPUTTERING TARGET,	:	
TRANSPARENT CONDUCTIVE FILM	:	
AND TRANSPARENT ELECTRODE	:	

This is a decision on the declaration filed 11 August 2008 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 29 February 2008, applicants filed papers to enter the national stage of PCT/JP2006/317135 which included a declaration signed by four of the five listed co-inventors and the legal representative of a deceased co-inventor, Nobuo Tanaka.

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.

Applicants submitted a declaration signed by four of the five listed co-inventors records. The declaration lists the citizenship of each inventor (including the deceased inventor) pursuant to 37 CFR 1.497(a)(3).

The declaration is also signed by Tokie Tanaka as the legal representative of Nobuo Tanaka. The citizenship, residence and mailing address of the legal represntative are listed on the declaration pursuant to 37 CFR 1.497(b)(2).

The declaration filed 29 February 2008 is in compliance with 37 CFR 1.497(a) and (b).

12/065,405

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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THORNE & HALAJIAN
APPLIED TECHNOLOGY CENTER
111 WEST MAIN STREET
BAY SHORE, NY 11706

In re Application of:	
ALOM, Saiful, et al.	DECISION ON PETITION
U.S. Application No.: 12/065,506	(37 CFR 1.137(a))
PCT No.: PCT/IB2006/003303	
International Filing Date: 09 August 2006	
Priority Date: 31 August 2005	
Atty Dkt No.: FT05806	
For: METHOD FOR MANAGING SHARED DATA AND RELATED DEVICE	

This decision is issued in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR 1.137(a)" filed on 03 March 2008 November 2007 and supplemented on 29 April 2008. Applicants have paid the required petition fee.

BACKGROUND

On 09 August 2006, applicants filed international application PCT/IB2006/003303. The international application claimed a priority date of 31 August 2005, and it designated the United States. On 25 October 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., 29 February 2008.

Applicants did not request entry into the U.S. national stage and submit payment of the U.S. basic national fee prior to the expiration of the thirty-month deadline. Accordingly, international application PCT/IB2006/003303 became abandoned with respect to the U.S. at midnight on 29 February 2007.

On 01 March 2007, applicants filed the present application via the EFS-Web electronic filing system. The submission was identified by applicants as the U.S. national stage of PCT/IB2006/003303, and the application was assigned U.S. application number 12/065,506. The submission consisted of an Application Data Sheet (ADS) and a fee worksheet. The Electronic Acknowledgement Receipt generated with respect to this submission indicates that the materials were filed at 12:02 a.m. on 01 March 2008. The submission did not include a fee payment.

On 03 March 2008, applicants filed via facsimile the "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR 1.137(a)" considered herein

accompanied by, among other materials, a "Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 U.S.C. 371" (Form PTO-1390), an ADS, a preliminary amendment, and a fee payment that included the basic national fee. Because the Form PTO-1390 indicated that the materials were a "FIRST submission" under 35 U.S.C. 371, the materials were treated as a new application and assigned a new U.S. application number, 11/991,504.

On 29 April 2008, applicants filed a supplement to the petition, also considered herein. This submission includes a statement of facts that was purportedly included with an earlier version of the present petition, also submitted on 01 March 2008.

DISCUSSION

In the present petition, applicants argue that the international application was unavoidably abandoned as a result of difficulties with the EFS-Web electronic filing system that prevented applicants from completing the filing of the national stage application on 29 February 2008, that is, prior to the expiration of the thirty-month deadline.

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be filed promptly after applicant becomes aware of the abandonment, and such petition must include (1) an adequate verified showing of the cause of unavoidable delay, (2) a proper response, unless already filed, (3) the applicable petition fee, and (4) by a terminal disclaimer, if necessary.[1] The present petition fails to satisfy item (1).

With respect to item (1), the petition states that applicants had the required national stage materials ready to be filed as of 9:55 pm on 29 February 2008. The petition further states that applicant was unable to complete the submission until after midnight on 29 February 2008 due to alleged EFS-Web problems. However, the Office has no record of any EFS-Web system malfunction during the period in question. Moreover, any purported problem with the EFS-Web system would not absolve applicants' obligation to file the requisite national stage papers prior to the expiration of thirty months from the earliest priority date in order to avoid abandonment of the application. The EFS-Web Legal Framework specifically notes, "Users are strongly advised to transmit their electronic filings sufficiently early in the day to allow time for alternative paper filing when transmission cannot be initiated or correctly completed." EFS-Web Legal Framework, Section XXVIII. "Hours of Operation" (http://www.uspto.gov/ebc/portal/efs/legal.htm).

The petition provides no acceptable explanation as to why the requisite national stage papers, including the basic national fee payment, could not have been filed either earlier in the day on 29 February 2008 or on a preceding day (as advised by the EFS-Web Legal Framework) so as "to allow time for alternative paper filing [if the] transmission cannot be initiated or correctly completed." Absent such an acceptable explanation, the present record is not sufficient to demonstrate the required care on the part of the applicants necessary to satisfy the stringent standards applied to "unavoidable" abandonment petitions (see MPEP section 711.02(II)(c)(2)). Accordingly, applicants' have failed to demonstrate that the failure to timely file the national stage application and basic national fee was unavoidable.

[1] It is noted that the terminal disclaimer element does not apply to the present application.

Because applicant has failed to satisfy all the requirements for a grantable petition under 37 CFR 1.137(a), the petition cannot be granted at this time.

It is noted that there can only be a single U.S. national stage application for a given international application. Accordingly, the present petition and accompanying materials, including the fee payments made herein, which were filed on 03 March 2008 and accorded U.S. application number 11/991,504, have been transferred to the present application file, which will continue to be processed as the U.S. national stage of PCT/IB2006/003303. U.S. application number 11/991,504 will be discontinued.

CONCLUSION

The petition to revive the application with respect to the United States under 37 CFR 1.137(a) is **DISMISSED** without prejudice. The application remains **ABANDONED** with respect to the United States.

If applicants seek reconsideration of the decision, a renewed petition must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Any such request for reconsideration must include an acceptable showing that the entire delay in timely filing the U.S. national stage application (including the required basic national fee) was unavoidable.

In the alternative to a renewed petition, applicants may consider filing a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), as such a petition may be more appropriate under the factual situation described here.

The present application number, 12/065,506, will continue to be processed as the U.S. national stage of PCT/IB2006/003303. U.S. application number 11/991,504 will be discontinued. All future correspondence with respect to the present national stage application should be directed to U.S. application number 12/065,506.

Any further correspondence with respect to this matter should be directed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

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THORNE & HALAJIAN
APPLIED TECHNOLOGY CENTER
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In re Application of:	:	
ALOM, Saiful, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/065,506	:	(37 CFR 1.137(b))
PCT No.: PCT/IB2006/003303	:	
International Filing Date: 09 August 2006	:	
Priority Date: 31 August 2005	:	
Atty Dkt No.: FT05806	:	
For: METHOD FOR MANAGING	:	
SHARED DATA AND RELATED	:	
DEVICE	:	

This decision is issued in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on 11 July 2008. Applicants have paid the required petition fee.

BACKGROUND

The procedural background for this application was set forth in the previous decision mailed herein on 20 June 2008. The decision dismissed without prejudice applicants' petition for revival under 37 CFR 1.137(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had not provided an adequate showing that the failure to timely file the national stage application and basic national fee was unavoidable.

On 11 July 2008, applicants filed the petition for revival under 37 CFR 1.137(b) considered herein.

DISCUSSION

The present petition for revival was accompanied by payment of the required petition fee. The "required reply," in the form of a request for entry into the U.S. national stage and payment of the basic national fee, had previously been filed by applicants. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" which, in combination with the previous explanatory materials submitted by applicants herein, satisfies the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that an executed declaration was filed during the international phase pursuant to PCT Rule 4.17(iv).

CONCLUSION

The petition for revival under 37 CFR 1.137(b) is **GRANTED**.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 03 March 2008.

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17 SEP 2008

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FRASER CLEMENS MARTIN & MILLER LLC
28366 KENSINGTON LANE
PERRYSBURG OH 43551

In re Application of	:	
CRIPSEY, et al.	:	
U.S. Application No.: 12/065,507	:	DECISION ON PETITION
PCT No.: PCT/US06/34187	:	
Int. Filing Date: 31 August 2006	:	UNDER 37 CFR 1.137(a)
Priority Date: 31 August 2005	:	
Attorney Docket No.: 1-37939	:	
For: FLOW FORMED SPLINE AND DESIGN	:	
SUITABLE FOR BURR FREE	:	
MACHINING	:	

This decision is in response to applicant's "Petition to Revive Pursuant to 37 CFR § 1.137(a)" filed 19 June 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 31 August 2006, applicant filed international application PCT/US06/34187 which claimed priority to an earlier U.S. application filed 31 August 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 29 February 2008.

On 02 March 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 unsigned declaration and an Application Data Sheet.

On 19 June 2008, applicant filed a petition under 37 CFR 1.137(a).

DISCUSSION

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be filed promptly after applicant becomes aware of the abandonment, and such petition must be accompanied by: (1) A proper response, unless already filed; (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) A terminal disclaimer (if necessary). Applicant has satisfied item (1) and (2) above; item (4) is not applicable.

Regarding item (3), the circumstances identified by applicant do not satisfy the exacting standard applied when determining whether the cause of abandonment was unavoidable. In order for a petition

under 37 CFR 1.137(a) to be granted, applicant at a minimum must provide:

(A) the error was the cause of the delay at issue;

(B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and

(C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See, Manual of Patent Examining Procedure (MPEP) § 711.03(c). As also stated in the MPEP:

[a] petition under 37 CFR 1.137(a) must establish that the delay was unavoidable, and not just that it was unintentional. Thus, many petitions originally filed under 37 CFR 1.137(a) end up being granted under 37 CFR 1.137(b) when the applicant realizes that sufficient evidence concerning the delay is too difficult to obtain or the cause of the delay simply does not amount to "unavoidable delay" within the meaning of 37 CFR 1.137(a).

Applicant's filing calls into question whether the delay was truly unavoidable or is more properly categorized as an unintentional delay. For example, applicant indicates that, "The abandonment first came to the attention of the attorney for Applicant's on March 2, 2008..." However, while the papers for entering the U.S. National stage were filed on 01 March 2008, the present petition was not filed until 19 June 2008.

35 U.S.C. 133 and 151 each require a showing that the "delay" was "unavoidable," which requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay until the filing of a petition to revive. See In re Application of Takao, 17 USPQ2d 1155 (Comm"r Pat. 1990). An applicant who fails to file a petition under 37 CFR 1.137(a) "promptly" upon becoming notified, or otherwise becoming aware, of the abandonment of the application will not be able to show 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.

Regarding the systems in place, applicant states that, "Typically, a notation regarding the thirty (30) month deadline is also made on the front of the case folder." The petition does not indicate if this was the case for the present application or whether the date written on the file folder is determined by the docketing software or calculated independently.

Applicant notes that various dates are created by the docketing system for corresponding with applicants to determine which countries to enter national stage. The petition does not contain any information as to whether the applicants were contacted in this case and/or provided any information as to the deadline of 29 February 2008 for entering the U.S. national stage.

It is also noted that applicant has not provided the docketing spreadsheet for the instant petition.

There is some confusion within the petition as to what date the software calculated as the deadline. The petition indicates that the spreadsheet calculated a thirty month deadline of 02 March 2008; however, the petition also states that the programming error would calculate the deadline for entry as the first day of the 31st month which in this case would have been 01 March 2008; the actual day of filing.

Other than the statement of Ms. Sloan, that the spreadsheet was prepared by an attorney "a number of years ago" applicant has not provided any information as to the creation and maintenance of the docketing system.

Lastly, applicant states that monthly docketing reports are supplied to attorneys for review. Applicant should provide more information as to the oversight provided by counsel in this case.

Because applicant has failed to satisfy all the requirements for a grantable petition under 37 CFR 1.137(a), this application remains abandoned with respect to the United States.

CONCLUSION

The petition to revive under 37 CFR 1.137(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 1.137(a)."

As an alternative, applicant is advised to consider filing a petition to revive under 37 CFR 1.137(b) for unintentional, rather than unavoidable, delay.

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 ($650.00), (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). A copy of the appropriate petition form is enclosed for applicant's convenience.

The application remains **ABANDONED** as to the United States of America.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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Alexandria, VA 22313-1450
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Fraser Clemens Martin & Miller, LLC
28366 Kensington Lane
Perrysburg, OH 43551

In re Application of	:	
CRIPSEY, et al.	:	DECISION ON RENEWED
Application No.: 12/065,507	:	
PCT No.: PCT/US06/34187	:	PETITION UNDER
Int. Filing Date: 31 August 2006	:	
Priority Date: 31 August 2005	:	37 CFR 1.137(a) AND
Atty. Docket No.: 1-37939	:	
For: FLOW FORMED SPLINE AND DESIGN	:	UNDER 37 CFR 1.137(b)
SUITABLE FOR BURR FREE MACHINING	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.137(a) and alternative petition under 37 CFR 1.137(b) filed 25 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 17 September 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.137(a) to revive the present petition which applicant claimed had be unavoidably abandoned. Applicant was afforded two months to file any request for reconsideration.

On 25 September 2008, applicant filed the petitions discussed herein.

DISCUSSION

I. Renewed Petition Under 37 CFR 1.137(a)

As detailed in the decision mailed 17 September 2008, a petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Applicant previously satisfied items (1) and (2) and item (4) was not required. Applicant has included additional details in furthering the argument that the failure to file the application prior to the expiration of the due date to do so was "unavoidable." While applicant has addressed most of the concerns of the prior decision, such as the deadline date as recorded on the file jacket and the period of delay from when applicant discovered the abandonment of the application until

the filing of the original petition; applicant has not conclusively shown that the abandonment was unavoidable within the meaning of 37 CFR 1.137(a). Specifically, it is clear from the two petitions that the docketing spreadsheet program was at the center of the missed deadline. It is further understood that this spreadsheet was not a commercial program but rather was created by a former attorney of the firm. As such, the lack of timely filing is considered as attorney error under 37 CFR 1.137(a) and cannot be construed as unavoidable. Therefore, applicant's renewed petition under 37 CFR 1.137(a) cannot be granted.

II. Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 28 September 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 after receipt of the decision of 17 September 2008 satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided payment of the full, U.S. Basic National Fee and has authorized the charging of the petition fee to deposit account number 50-3156. 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.

CONCLUSION

For the reasons explained above, applicant's renewed petition under 37 CFR 1.137(a) is **DISMISSED** and 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 the preparation and mailing of a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors and payment of the appropriate surcharge is required.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,594	03/03/2008	Ken Tsuchii	01272.106172	1321

5514 7590 11/04/2009
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER
LUU, MATTHEW

ART UNIT	PAPER NUMBER
2861	

MAIL DATE	DELIVERY MODE
11/04/2009	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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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of
Ken TSUCHII
Application No.: 12/065,594
Filed: 03 March 2008
Attorney Docket No.: 01272.106172

For: INK JET PRINTING APPARATUS AND PRINTING 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) pilot program and the petition under 37 CFR 1.102(d), filed 20 July 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH pilot program and petition satisfies all items above.

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the JPO and the USPTO" filed 20 July 2009 is GRANTED. Accordingly, the above-identified application has been accorded "special" status.

Any 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 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://www.uspto.gov/ebc.index.html.

for

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

2 6 JUN 2008

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EAGLE IP LIMITED
22/F., KWAI HUNG HOLDINGS CENTRE
89 KING'S ROAD
NORTH POINT, HONG KONG

In re Application of CHEUNG et al	:	
U.S. Application No.: 12/065,608	:	
PCT Application No.: PCT/IB2006/053531	:	DECISION
Int. Filing Date: 28 September 2006	:	
Priority Date Claimed: 29 September 2005	:	
Attorney Docket No.: B007.001.NPEUS	:	
For: APPARATUS AND METHOD FOR PERFORMING VERTICAL ELECTROPHORESIS	:	

This is in response to applicant's "Petition for Request under 37 CFR 1.26 for Refund of Search Fee Paid in Excess in a National Stage Application" filed 02 June 2008.

BACKGROUND

On 28 September 2006, applicant filed international application PCT/IB2006/053531, which claimed priority of an earlier China application filed 29 September 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 05 April 2007. The thirty-month period for paying the basic national fee in the United States expired on 29 March 2008.

On 04 March 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 02 June 2008, applicant filed the present request for refund under 37 CFR 1.26.

DISCUSSION

37 CFR 1.26(a) states in relevant part, "The Director may refund any fee paid by mistake or in excess of that required."

The present request for refund states that applicant was improperly charged $255.00 for the national stage search fee. A review of international application PCT/IB2006/053531 reveals that the international search fee as set forth in 37 CFR 1.445(a)(2) was paid to the United States International Searching Authority (ISA/US). Accordingly, the small entity national stage search fee for the present application is $50.00 pursuant to 37 CFR 1.492(b)(2). A refund of $205.00 will be credited to Deposit Account No. 50-3695.

CONCLUSION

For the reasons above, the request for refund under 37 CFR 1.26(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 28 September 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 March 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

0 2 JUN 2008

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GUDRUN E. HUCKETT DRAUDT
SCHUBERTSTR. 15A
WUPPERTAL 42289 DE GERMANY

In re Application of:	:	
KOLCZYK, Markus	:	
U.S. Application No.: 12/065,654	:	DECISION ON PETITION
PCT No.: PCT/EP2006/064404	:	
International Filing Date: 19 July 2006	:	
Priority Date: 04 August 2005	:	
Atty Docket No.: 2417/US	:	
For: FILTER ARRANGEMENT FOR LIQUIDS	:	

The petition for revival under 37 CFR 1.137(b) filed 04 March 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 04 February 2008 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that applicant's 04 March 2008 submission included an executed declaration in compliance with 37 CFR 1.497 and an English translation of the international application. Deposit Account No. 50-1199 will be charged the $130 surcharge and $130 processing fee required for filing the declaration and translation later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 04 March 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,687	11/05/2009	Tadahiko Shinshi	2715.003US1	2554

21186 7590 06/03/2010
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

ART UNIT	PAPER NUMBER
3746	

NOTIFICATION DATE	DELIVERY MODE
06/03/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com
request@slwip.com

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of	:	
SHINSHI, TADAHIKO et al	:	DECISION ON REQUEST TO
Application No. 12/065,687	:	PARTICIPATE IN PATENT
Filed: March 4, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 2715.003US1	:	PROGRAM AND PETITION
For: DISPOSABLE CENTRIFUGAL BLOOD PUMP WITH MAGNETIC COUPLING	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 1, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 and;
(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.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Devon Kramer, the SPE of Art Unit 3746, and 571-272-7118 for Class 417/420 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/065,695		Hiroyuki YOSHIMI	081270	2615

38834 7590 06/04/2008
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER	
ART UNIT	PAPER NUMBER
2871	

MAIL DATE	DELIVERY MODE
06/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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WESTERMAN, HATTORI, DANIELS & ADRIAN LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

In re Application of	**: DECISION ON REQUEST TO**
Hiroyuki YOSHIMI, et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/065,695	**: PROSECUTION HIGHWAY**
Filed: 03/04/2008	**: PILOT PROGRAM AND PETITION**
Attorney Docket No.: 081270	**: TO MAKE SPECIAL UNDER**
	: 37 CFR 1.102(d)

For: LIQUID CRYSTAL PANEL, AND LIQUID CRYSTAL DISPLAY DEVICE

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 22, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and

b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

      Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

0 4 MAR 2009

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Jones Day
222 East 41st St
New York, NY 10017

In re Application of	:	
ROLION et al.	:	
Application No.: 12/065,712	:	DECISION ON REQUEST
PCT No.: PCT/FR06/02003	:	
Int. Filing Date: 29 August 2006	:	
Priority Date: 05 September 2005	:	
Attorney Docket No.: 11348-58-999	:	
For: BOX FOR PENCIL LEADS		

This decision is issued in response to applicants' Petition to Correct Inventorship under 37 CFR 1.48(a) filed 11 February 2009 which is being treated as a Petition to Correct Inventorship under 37 CFR 1.497(d). The $130 petition fee has been submitted.

BACKGROUND

On 29 August 2006, applicant filed international application PCT/FR06/02003 which claimed a priority date of 05 September 2005. Subsequent to the filing of the international application, pursuant to PCT Rule 26ter, applicants filed therein a declaration of inventorship under PCT Rule 4.17(iv). This declaration was executed by each of the two applicants/inventors Franck Rolion and Juliette Bonnamour. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 05 March 2008.

On 04 March 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 11 February 2009, applicant filed the present request under 37 CFR 1.497(d) and a declaration executed by: Franck Rolion; Juliette Bonnamour and Denis Cellerier.

DISCUSSION

The published international application identified two applicant/inventors (Franck Rolion and Juliette Bonnamour) for the United States, which executed a declaration of inventorship under PCT Rule 4.17(iv). The present submission seeks to correct the inventorship so as to add inventor Denis Cellerier to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive thus changed is different from the inventive entity identified in any such oath or declaration applicant must submit:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17; and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).

(4) any new oath or declaration required by paragraph (f) of this subsection.

Applicant has submitted a statement from the person being added (Denis Cellerier) as an inventor in compliance with 37 CFR 1.497(d)(1). The $130 processing fee required under 37 CFR 1.497(d)(2) has been submitted. The submission included the consent of the assignee to the requested correction of inventorship, in the form required under 37 CFR 1.497(d)(3) and 3.73(b). Lastly, applicant has submitted a declaration executed by Franck Rolion; Juliette Bonnamour and Denis Cellerier.

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED**.

Denis Cellerier will be added as inventor herein. The application is being returned to the United States Designated/Elected Office for further 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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27 JAN 2009

HOLLAND & HART, LLP
P.O BOX 8749
DENVER, CO 80201

In re Application of VERTANEN	:	
U.S. Application No.: 12/065,728	:	
PCT Application No.: PCT/US2007/060520	:	DECISION
Int. Filing Date: 12 January 2007	:	
Priority Date Claimed: 13 January 2006	:	
Attorney Docket No.: 59518.830001.US1	:	
For: CARGO BED AND ACCESSORIES	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 10 December 2008.

BACKGROUND

On 12 January 2007, applicant filed international application PCT/US2007/060520, which claimed priority of an earlier United States application filed 13 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 13 July 2008.

On 04 March 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 14 July 2008, international application PCT/US2007/060520 became abandoned as to the United States for failure to timely pay the basic national fee.

On 10 December 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

Applicant is advised that it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure, Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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0 3 AUG 2009

SEYFARTH SHAW LLP
WORLD TRADE CENTER EAST
TWO SEAPORT LANE, SUITE 300
BOSTON MA 02210-2028

In re Application of XU, et al. U.S. Application No. 12/065,797 PCT No.: PCT/CN2007/000791 Int. Filing Date: 12 March 2007 Priority Date: 07 August 2006 Attorney Docket No.: 65752.2 For: A FINGERTIP OXIMETER AND A METHOD FOR OBSERVING A MEASUREMENT RESULT THEREON	DECISION ON PETITION (37 CFR 1.182)

This decision is issued in response to applicant's "Petition Pursuant to 37 CFR 1.182" filed 16 July 2009 in the United States Patent and Trademark Office (USPTO) that seeks to correct the international application number on the national stage application papers filed 05 March 2008 so as to allow such materials to be treated as the U.S. national stage of PCT/CN2007/000791. Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 22 May 2009, applicant was mailed a communication detailing a discrepancy between the bibliographic data entered in the EFS-Web electronic filing system and the international application number appearing on the Form PTO-1390 transmittal letter and the filed Application Data Sheet. Applicant was afforded two months to file a petition under 37 CFR 1.182 to rectify the discrepancy.

On 22 July 2009, applicant filed the present petition under 37 CFR 1.182 to correct the error.

DISCUSSION

As noted above, the bibliographical data provided by applicants incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 05 March 2008 can be treated as having been directed to

international application PCT/CN2007/000791, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition, applicant confirms that the listing of international application PCT/US2007/000791 set forth in the bibliographical data provided by applicant was the result of a typographical error, and that the correct international application is PCT/CN2007/000791. It is noted that the correct international application number was listed on the Form PTO-1390 transmittal letter and Application Data Sheet filed 05 March 2008. The present petition is accompanied by payment of the required petition fee and properly identifies the application as the national stage of PCT/CN2007/000791. These materials satisfy the requirements for a grantable petition to correct the typographical error in the bibliographical data filed 05 March 2008 and to permit such materials to be treated as having been directed to international application PCT/CN2007/000791.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

The materials filed 05 March 2008 assigned U.S. application number 12/065,797 and will be treated as the national stage of PCT/CN2007/000791.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision including the preparation and mailing of a new "Notice of Acceptance" (Form PCT/DO/EO/903) and official filing receipt.

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3294
Facsimile: 571-273-0459

1 1 AUG 2008

United States Patent and Trademark Office

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

In re Application of	:	
Hill et al.	:	
Application No.: 12/065,826	:	
PCT No.: PCT/GB2006/002684	:	
Int. Filing Date: 18 July 2006	:	DECISION
Priority Date: 18 July 2005	:	
Attorney Docket No.: 082127-0368820	:	
For: Electroluminescent One-Way Vision Panel	:	

The petition to revive under 37 CFR 1.137(b) filed on 05 March 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. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **05 March 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

26 AUG 2009

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

In re Application of	:	
HIDAKA, et al.	:	
Application No.: 12/065,827	:	
PCT No.: PCT/JP2006/317475	:	DECISION ON PAPERS
Int. Filing Date: 04 September 2006	:	
Priority Date: 05 September 2005	:	UNDER 37 CFR 1.42
Attorney Docket No.: 081156	:	
For: SAFETY HOLDER	:	

This decision is in response to applicant's correspondence filed 10 November 2008 in the United States Patent and Trademark Office (USPTO). The filed declaration is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 04 September 2006, applicant filed international application PCT/JP2006/317475 which claimed priority to an earlier application filed 05 September 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 March 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 05 March 2008.

On 05 March 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 and an Application Data Sheet.

On 10 November 2008, applicant filed the declaration discussed herein.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 10 November 2008 was executed by Kiyo Hidaka as sole

heir to the estate of deceased inventor, Takafumi Hidaka. The declaration provides the residence, citizenship and mailing addresses for both the deceased inventor and the signing legal heir per 37 CFR 1.497(a). The declaration properly identifies and has been signed by the remaining inventors. Lastly, the declaration contains an indication that Kiyo Hidaka is the "sole and all heirs" of Takafumi Hidaka. The statement of the heir is being interpreted to include that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed. If this interpretation is incorrect, applicant should contact the Office immediately.

For the reasons stated above, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42 at this time.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 04 September 2006 and will be given a date of 1**0 November 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
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14 NOV 2008

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22045
BROOKS KUSHMAN P.C.
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075

In re Application of
WALTON *et al*
U.S. Application No.: 12/065,845
PCT No.: PCT/AU2005/001343
Int. Filing Date: 06 September 2005
Priority Date: None
Attorney Docket No.: WIY0109PUSA
For: SINGLE USE SAFETY SYRINGE HAVING A RETRACTABLE NEEDLE

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 18 August 2008.

BACKGROUND

On 20 June 2008, the Office 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, additional claim fees and the surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 18 August 2008, applicants filed the subject response which was accompanied by, *inter alia*, a preliminary amendment; a declaration signed by two of the three joint inventors on behalf of the nonsigning inventor; a $65.00 surcharge fee; a declaration of John Nemazi; a declaration of Garry Wilson; a declaration of Graeme Francis Walton; authorization to charge any required fee to applicants' Deposit Account; and other documentary evidence.

DISCUSSION

Applicants claim that co-inventor Zuo Qian Lin refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor.

The $200.00 petition fee has been charged to Deposit Account No. 02-3978 as authorized. The last known address of the nonsigning inventor was recorded on the declaration. An executed declaration signed by two of the three named inventors was submitted. This declaration meets the requirements of section 409.03(a) of the MPEP and complies with 37 CFR 1.497(a) and (b).

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.

Regarding item (2), the 37 CFR 1.47(a) applicants submitted evidence showing that the Australian attorney, Mr. Wilson attempted to obtain the signature of the nonsigning inventor on several occasions. The 37 CFR 1.47(a) presented documentary evidence in the form of emails sent to Liang Lin, the son of the nonsigning inventor. However, there is no evidence that a complete copy of the subject application (specification, claims and drawings) was provided in any of these emails.

Mr. Walton, a joint inventor, states that at a meeting with Zuo Qian Lin on 12 April 2008, "Mr. Lin indicated that he would not sign the Declaration and Assignment for this application." However, there is also no evidence that Mr. Lin was given a copy of the subject application at this meeting.

Section 409.03(d), II of the MPEP requires that for a refusal to be accepted, the 37 CFR 1.47(a) applicants must show that a complete copy of the application, including specification, claims and drawings, were presented (or attempted to be presented) to the nonsigning inventor. In this case, the 37 CFR 1.47(a) applicants have provided no such evidence.

As such, item (2) of 37 CFR 1.47(a) is not yet satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O.

12/065,845

Box 1450, Alexandria, Virginia 22313-1450.

James Thomson
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1 6 JAN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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22045
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Southfield, MI 48075

In re Application of :
WALTON *et al* :
U.S. Application No.: 12/065,845 :
PCT No.: PCT/AU2005/001343 :
Int. Filing Date: 06 September 2005 : **DECISION**
Priority Date: None :
Attorney Docket No.: WIY0109PUSA :
For: SINGLE USE SAFETY SYRINGE :
HAVING A RETRACTABLE NEEDLE :

This is a decision on the papers filed on 09 January 2009 which are treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 14 November 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 09 January 2009, applicants filed the renewed petition which was accompanied by a declaration executed by all inventors including the nonsigning inventor.

DISCUSSION

In the renewed petition, applicants submitted a declaration executed by all the inventors including the nonsigning inventor, Zuo Qian Lin.

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 06 September 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 09 January 2009.

12/065,845

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

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OFFICE OF PETITIONS

HOWREY LLP – EAST
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR., SUITE 200
FALLS CHURCH, VA 22042-2924

In re Application of	:	
Gregory E. WEBB	:	
Application No. 12/065,895	:	DECISION ON PETITION
Filed: July 15, 2008	:	TO WITHDRAW
Attorney Docket No. 13728.0004.PCUS00		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 1, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorneys of record were not appointed by Customer Number 22930, as indicated.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: INFRAEGIS, INCS
C/O MARIE T. DIFFLEY,
CMO, EVP PROGRAM MANAGMENT
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ELK GROVE VILLAGE, IL 60007

2 3 MAY 2008

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Choate, Hall & Stewart Llp
Two International Place
Boston, MA 02110

In re Application of
BUI-KHAC et al.
Application No.: 12/065,932
PCT No.: PCT/CA06/01468
Int. Filing Date: 05 September 2006
Priority Date: 06 September 2005
Attorney Docket No.: 2003390-0065
For: MODIFIED BIODEGRADABLE POLYMERS, PREPARATION AND USE THEREOF FOR MAKING BIOMATERIALS AND DRESSINGS

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 20 May 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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17 OCT 2008

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of:	:	
WOELFERT, Andreas, et al.	:	
U.S. Application No.: 12/065,964	:	DECISION ON REQUEST UNDER
PCT No.: PCT/EP2006/065593	:	37 CFR 1.497(d)
International Filing Date: 23 August 2006	:	
Priority Date: 06 September 2005	:	
Attorney's Docket No.: 322515US0PCT	:	
For: METHOD FOR PRODUCING	:	
ISOCYANATES	:	

This decision is issued in response to the "Response To Notification Of Missing Requirements And Petition To Correct Inventorship Under 37 CFR 1.497(d)" filed 10 October 2008, requesting the addition of Carsten KNOESCHE, Andreas DAISS, Tsung-Chieh CHENG, Torsten MATTKE, and Eckhard STOEFER as inventors herein. Applicants have paid the required $130 processing fee.

BACKGROUND

On 23 August 2006, applicants filed international application PCT/EP2006/065593. The application claimed a priority date of 06 September 2005, and it designated the United States. On 15 March 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 06 March 2008. The published international application identified one applicant/inventor for the U.S.: Andreas WOELFERT.

On 06 March 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, an English translation of the international application, and an executed declaration. The declaration was executed by the sole inventor of record, as well as five additional persons.

On 10 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an acceptable oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. The Notification indicated that the declaration filed 06 March 2008 was defective because it included five inventors who were not of record herein.

On 10 July 2008, applicants filed the "Response To Notification Of Missing Requirements And Petition To Correct Inventorship Under 37 CFR 1.497(d)" considered herein (with required extension fee). This submission requests that the five additional inventors listed on the declaration be added as additional inventors of record in the present application.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The declaration filed by applicants on 06 March 2008 names an inventive entity different than that set forth in the international application. Specifically, Carsten KNOESCHE, Andreas DAISS, Tsung-Chieh CHENG, Torsten MATTKE, and Eckhard STOEFER have been added as additional inventors. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statements of non-deceptive intent from the persons to be added as inventors (Carsten KNOESCHE, Andreas DAISS, Tsung-Chieh CHENG, Torsten MATTKE, and Eckhard STOEFER), as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted the consent of the assignee to the requested change in inventorship, and such consent has been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied.

Based on the above, applicants have satisfied the requirements of a grantable request to correct the inventors of record under 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**. The inventorship of record herein is corrected to include added inventors Carsten KNOESCHE, Andreas DAISS, Tsung-Chieh CHENG, Torsten MATTKE, and Eckhard STOEFER.

Based on the correction of inventorship, the declaration filed on 06 March 2008 is acceptable in compliance with 37 CFR 1.497(a) and (b).

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 March 2008.

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ANIMAL HEALTH
PATENT DEPT. K-6-1, 1990
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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In re Application of	:	
Frank Roerink et al	:	
Application No. 12/066,090	:	DECISION GRANTING PETITION
Filed: March 7, 2008	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 2005.010 US	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed January 8, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

The petition is dismissed because the person signing the request for express abandonment is not of record in the above-identified application. The Office is not in receipt of a power of attorney for the above-identified application.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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JAN 14 2010

In re Application of	:	
Frank Roerink et al	:	
Application No. 12/066,090	:	DECISION GRANTING PETITION
Filed: March 7, 2008	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 2005.010 US	:	

This is a decision on the renewed petition under 37 CFR 1.313(c)(3), filed January 14, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment in favor of continuing Application No. 12/636,143, filed December 11, 2009, under 37 CFR 1.53(b).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

26 JUN 2008

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27777
Philip S. Johnson
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One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

In re Application of	:	
KOWALSKI *et al*	:	
U.S. Application No.: 12/066,105	:	
PCT No.: PCT/GB2006/002532	:	**DECISION ON**
Int. Filing Date: 10 July 2006	:	**PETITION UNDER**
Priority Date: 08 July 2005	:	**37 CFR 1.137(b)**
Docket No.: DEP5572	:	
For: BONE CEMENT COMPOSITION	:	

Applicants' petition to revive under 37 CFR 1.137(b) filed on 07 March 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was not submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee are required.

James Thomson

James Thomson
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Office of PCT Legal Administration

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0 2 JUL 2008

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LEXYOUME IP GROUP, LLC
1233 TWENTIETH STREET, N.W.
SUITE 701
WASHINGTON DC 20036

In re Application of:	:	
FLEURY, Eric, et al.	:	DECISION
U.S. Application No.: 12/066,124	:	
PCT No.: PCT/KR2005/004678	:	
Int'l Filing Date: 30 December 2005	:	
Priority Date: 09 September 2005	:	
Attorney's Docket No.: LPP20080497US	:	
For: AMORPHOUS ALLOY AND	:	
MANUFACTURING METHOD	:	
THEREOF	:	

This decision is issued in response to applicants' submission of a declaration indicating that one of the inventor's is deceased, treated herein as a submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 30 December 2005, applicants filed international application PCT/KR2005/04678. The international application claimed a priority date of 09 September 2005, and it designated the United States. On 15 March 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent And Trademark Office ("USPTO"). The deadline for payment of the basic national fee was thirty months from the priority date, i.e. 09 March 2008.

On 07 March 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 six of the seven inventors herein. The declaration included an unsigned signature block for the remaining inventor, Ki-bae KIM, with an indication that the inventor was deceased (the declaration was accompanied by a "Death Certificate" confirming the death of the inventor).

DISCUSSION

37 CFR 1.42 states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the Manual of Patent Examining Procedure (MPEP) states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship, residence, and mailing address of the legal representative (or all the heirs, if applicable) and the citizenship of the deceased inventor must be included in the declaration.

The declaration filed by applicants on 07 March 2008 does not comply with 37 CFR 1.42 and 1.497(b)(2) in that it has not been executed on behalf of the deceased inventor by the deceased inventor's legal representative (or by all the heirs of the deceased inventor, if appropriate). Accordingly, the declaration cannot be accepted under 37 CFR 1.497 and 1.42.

CONCLUSION

For the reasons discussed above, the request for status under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mailing date of this communication to submit a proper response under 37 CFR 1.42 and 37 CFR 1.497. Failure to provide a proper and timely response will result in abandonment.

Extensions of time are available under 37 CFR 1.136(a).

A proper response must include an oath or declaration properly executed on behalf of the deceased inventor in compliance with 37 CFR 1.42. Such declaration must include all the information required under 37 CFR 1.497 (for example, the names of all the inventors, the citizenship, mailing address, and residence information for the legal representative or heirs, and the name and citizenship of the deceased inventor, as discussed above).

Applicants must also provide the $130 surcharge for filing an acceptable declaration later than thirty months after the priority date.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration

Richard M. Ross
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0 4 SEP 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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LEXYOUME IP GROUP, LLC
1233 TWENTIETH STREET, N.W.
SUITE 701
WASHINGTON DC 20036

In re Application of: FLEURY, Eric, et al. U.S. Application No.: 12/066,124 PCT No.: PCT/KR2005/004678 Int'l Filing Date: 30 December 2005 Priority Date: 09 September 2005 Attorney's Docket No.: LPP20080497US For: AMORPHOUS ALLOY AND MANUFACTURING METHOD THEREOF	DECISION ON RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the "Submission Of Supplemental Declaration" filed by applicants on 12 August 2008, treated herein as a renewed submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed by this Office on 02 July 2008. In that decision, the declaration filed on 07 March 2008 under 37 CFR 1.42 was rejected without prejudice for failure to be executed by the legal representative of the deceased inventor, and for failure to include all required information.

On 12 August 2008, applicants filed the "Submission Of Supplemental Declaration" considered herein, accompanied by a revised declaration.

DISCUSSION

The 12 August 2008 submission includes a declaration executed on behalf of deceased inventor Ki-bae KIM by his legal representative Mee-soon LEE. This declaration includes all required information with respect to the deceased inventor and the legal representative. Accordingly, acceptance under 37 CFR 1.42 and 1.497 of the declaration filed 12 August 2008 is appropriate.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Ki-bae KIM is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 12 August 2008.

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ARLINGTON, VA 22203

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JUL 23 2010

OFFICE OF PETITIONS

In re Application of
Akihiro NAKAMURA, et *al.*
Application No. 12/066,125
Filed: March 7, 2008
Attorney Docket No. **ARC-427-153**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 22, 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 July 7, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1797 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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Merchant & Gould PC
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of KJELLBOM et al.
Application No.: 12/066,152
PCT No.: PCT/SE06/01036
Int. Filing Date: 08 September 2006
Priority Date: 05 September 2005
Attorney Docket No.: 05822.0379USWO
For: AN ISOLATED AQUAPORIN IN ITS CLOSED CONFORMATION

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Communication Regarding Inventor Name Change" filed 27 October 2008 which is being treated as a petition to change an inventor's name under 37 CFR 1.182. Applicants are requesting to change the name of the fourth inventor from Maria Karlsson to Maria Ekerot due to marriage. The $400 petition fee will be charged to counsel's Deposit Account No. 13-2725.

BACKGROUND

On 07 March 2008, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a copy of the international application; and a preliminary amendment.

On 30 May 2008, the United States Designated Office (DO/EO/US) mailed a Notification Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a signed oath/declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) together with a surcharge payment were required. The notification set a two-month time limit in which to respond.

On 27 October 2008, applicants filed a response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office which stated that the correct name of the fourth inventor is Maria Ekerot due to marriage.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states 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 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants are requesting to change the name of the fourth inventor from Maria Karlsson to Maria Ekerot. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the fourth inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicants' submission included the authorization to charge Deposit Account No. 13-2725 for required fees. Based on this authorization, Deposit Account No. 13-2725 will be charged the requisite petition fee of $400, satisfying the petition fee requirement. However, applicants have not submitted the required statement from the inventor (or court order) confirming the name change and the procedure whereby the name was changed (for example, by marriage).

Additionally, the declaration executed by Maria Ekerot is not in compliance with 37 CFR 1.497(a)-(b). Specifically, the declaration includes alterations (to correct inventor's name, citizenship, residence and mailing address) that have not been initialed and dated by Maria Ekerot. Therefore, a newly executed declaration from Maria Ekerot is required.

Therefore, item (2) has not been satisfied, and thus the petition may not be granted at this time.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." 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 for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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16 JUN 2009

Merchant & Gould PC
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of
KJELLBOM et al.
Application No.: 12/066,152
PCT No.: PCT/SE06/01036
Int. Filing Date: 08 September 2006
Priority Date: 05 September 2005
Attorney Docket No.: 05822.0379USWO
For: AN ISOLATED AQUAPORIN IN ITS CLOSED CONFORMATION

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.182" filed 15 May 2009. Applicants are requesting to change the name of the fourth inventor from Maria Karlsson to Maria Ekerot due to marriage.

BACKGROUND

On 07 March 2008, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a copy of the international application; and a preliminary amendment.

On 30 May 2008, the United States Designated Office (DO/EO/US) mailed a Notification Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a signed oath/declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) together with a surcharge payment were required. The notification set a two-month time limit in which to respond.

On 27 October 2008, applicants filed a response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office which stated that the correct name of the fourth inventor is Maria Ekerot due to marriage. (In a decision dated 24 March 2009, applicants' petition under 37 CFR 1.182 was dismissed without prejudice.)

On 15 May 2009, applicants filed the present renewed petition under 37 CFR 1.182.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states 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 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants are requesting to change the name of the fourth inventor from Maria Karlsson to Maria Ekerot. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the fourth inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicants' previous submission included the authorization to charge counsel's Deposit Account No. 13-2725 for required fees. As for the affidavit requirement or copy of the court order, applicants have submitted an "official registry from the Swedish Tax Agency" (court order) regarding the name change. Hence, the court order supplied satisfies the requirements for a grantable petition. Additionally, the declaration executed by Maria Ekerot is in compliance with 37 CFR 1.497(a)-(b). Therefore, item (2) has been satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Maria Karlsson to Maria Ekerot is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
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Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/066,192	01/20/2009	Ana Marisa Chudzinski-Tavassi	21382-009US1	7378

26161 7590 09/04/2009
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
FALK, ANNE MARIE

ART UNIT	PAPER NUMBER
1632	

NOTIFICATION DATE	DELIVERY MODE
09/04/2009	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 PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

Applicant: Chudzinski-Tavassi et al.
Appl. No.: 12/066,192
Filing Date: January 20, 2009
Title: LOPAP-BASED PHARMACEUTICAL COMPOSITIONS AND USES THEREOF
Attorney Docket No.: 21382-009US1
Pub. No.: US 2009/0170182 A1
Pub. Date: July 2, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on September 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**. In addition, the Applicant did not provide a copy of the application. 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: 09/04/2009 KKING1
09/03/2009 INTEFSW 00006915 061050 12066192
01 FC:1504 300.00 CR

2 8 JUL 2008

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HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON AZ 85718

In re Application of	:	
BANISTER	:	
Application No.: 12/066,259	:	DECISION ON
PCT No.: PCT/US2006/030139	:	
Int. Filing Date: 03 August 2006	:	PETITION UNDER
Priority Date: 03 August 2006	:	
Attorney Docket No.: MEDIPACS 04.01 CIP2	:	37 CFR 1.137(b)
For: ELECTRIC TILE MODULES	:	

This decision is in response to applicant's submission filed 07 March 2008.

BACKGROUND

On 03August 2006, applicant filed international application PCT/US2006/030139 which designated the U.S. and claimed a priority date of 03 August 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (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 04 February 2008 (03 February 2008 being a Sunday).

On 07 March 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee, a declaration of the inventor, and a 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 on 07 March 2008.

As to item (2), applicant submitted the petition fee on 07 March 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventor filed 07 March 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
Facsimile: (571) 273-0459

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Alexandria, VA 22313-1450
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2 9 MAY 2008

Withrow & Terranova, P.L.L.C.
100 Regency Forest Drive
Suite 160
Cary, North Carolina 27518

In re Application of	:	
TONG et al.	:	
Application No.: 12/066,322	:	
PCT No.: PCT/IB06/01157	:	
Int. Filing Date: 04 May 2006	:	DECISION ON PETITION
Priority Date: 04 May 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.: 7000-513-1A	:	
For: WIRELESS FEEDBACK SYSTEM AND METHOD	:	

The petition to revive under 37 CFR 1.137(b) filed 10 March 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.

However, a review of the declaration filed on 10 March 2008 reveals that the declaration is not in an acceptable form. Petitioner has provided a defective executed composite declaration. A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. The composite declaration is defective because it contains duplicate sheets of page 2 of 3. This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration. Either alternative renders the submitted declaration defective under 37 CFR 1.497. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

Application No.:12/066,322

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 oath or declaration is required.

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Office of PCT Legal Administration
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HOWARD & HOWARD ATTORNEYS PLLC
450 WEST FOURTH STREET
ROYAL OAK, MI 48067

MAILED

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OFFICE OF PETITIONS

In re Patent No. 7,626,561	:	
Issue Date: December 1, 2009	:	
Application No. 12/066,422	:	ON PETITION
Filed: March 11, 2008	:	
Attorney Docket No. 060233.00052	:	

This is a decision on the petition filed December 21, 2009, under 37 CFR 3.81(b)[1] to add the assignee's name on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted.**

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 2004

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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

MAILED

MAY 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Powis et al.	:	DECISION ON PETITION
Application No. 12/066,426	:	TO WITHDRAW
Filed: October 7, 2008	:	FROM RECORD
Attorney Docket No. 126387.01801	:	

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 15, 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 Pepper Hamilton LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. Further, a review of USPTO records reveals that the Application Data Sheet filed March 11, 2008 was improperly recorded as a Power of Attorney by the USPTO. Currently, there is no Power of Attorney in the above-identified application. Petitioner is designated only as the Correspondence Address according to the Application Data Sheet filed March 11, 2008.

All future communications from the Office will continue to be directed solely to the address of record until proper instructions have been received.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

16 MAR 2009

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ALEXANDRIA, VA 22313-1450
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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

In re Application of: COWAN ET AL.	:	
U.S. Application No.: 12/066,479	:	
PCT Application No.: PCT/US2006/035267	:	DECISION ON PETITION
Int. Filing Date: 12 September 2006	:	UNDER 37 CFR 1.47(a)
Priority Date: 12 September 2005	:	
Atty Docket No.: 7276-76423-06	:	
For: Targets and Processes for Fabricating Same	:	

This is in response to applicants' Petition under 37 CFR 1.47(a), filed on 17 October 2008, requesting acceptance of the declaration without the signature of joint inventors Thomas Cowan and Julien Fuchs.

BACKGROUND

On 12 September 2006, applicant filed international application PCT/US2006/035267 which claimed priority of earlier US provisional application filed 12 September 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 12 March 2008.

On 11 March 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) with an unexecuted declaration. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 17 June 2008, a Notification of Missing Requirements was mailed to applicant indicating that an executed oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing an oath or declaration after the thirty month period, were required.

On 17 October 2008, Applicant sent in a combined declaration and power of attorney, with the declaration executed by inventors MALEKOS, KORGAN, ADAMS, LE GALLOUDEC, AND SENTOKU and missing the signature of co-inventors COWAN AND FUCHS. Applicant also filed a petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requesting the acceptance of the application without the signatures of inventors COWAN and FUCHS, alleging that inventors COWAN and FUCHS refuse to sign the application.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(i), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Petitioner submitted the requisite petition fee, satisfying Item (1).

With regard to item (2), petitioner states that a number of emails were sent to inventors COWAN and FUCHS as evidence to support a conclusion that the nonsigning inventor(s) refuses to sign or is unavailable.

Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP 106. It is reasonable to require the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts.

The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

MPEP Section 409.03(d) further states with regard to inventor's unavailability:

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.

Here, Petitioner has made attempts to contact inventors COWAN and FUCHS via email and states that delivery receipts were returned on 10 October 2008 from both nonsigning inventors. Applicants has stated that read receipts were received from Mr. Cowan on 15 October 2008 and from Mr. Fuchs' representative on 14 October 2008. Copies of email correspondence were included in the present petition. It is not clear that the email from Mr. Cowan is a read receipt and further that there is in fact a correlation between the body of the email sent to Mr. Cowan and the returned email. Additionally, there is no statement in the petition as to the identity of Mr. Fuchs' representative. It would appear that Mr. Oliver is the representative, but this cannot be confirmed since the Petitioner has not provided a statement as to Mr. Oliver's relationship to inventor FUCHS. Further, the email correspondence of 14 October 2008 from Mr. Oliver is in French and an English translation has not been provided. Accordingly, it is unclear whether the email correspondence of 14 October 2008 is a read receipt or a delivery receipt. Petitioner may wish to contact inventors COWAN and FUCHS using any other method of contact; i.e. postal mailing to their last known addresses which inventors COWAN and FUCHS have provided in email correspondences of 02 July 2008.

Further, there is no statement that the inventors have been given a copy of the application. The application does not appear to be attached to the emails.

Petitioner's attempt to contact inventors COWAN and FUCHS using email is not satisfactory. It does not demonstrate whether the inventors received the emails. This is insufficient evidence to conclude that inventors COWAN and FUCHS refuse to sign the application papers.

With regard to item (3), Petitioner has provided a statement of the nonsigning inventors' last known addresses.

With regard to item (4), applicant has provided a four page declaration. The declaration, however, is comprised of six pages: one page marked "Page 1 of 4", one page marked "Page 2 of 4", three pages marked "Page 3 of 4", which are executed by different inventors, and one page marked "Page 4 of 4". The declaration appears to be a composite declaration created from the combination of separately executed declarations. Therefore, the declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." See MPEP 201.03. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met.

In sum, Petitioner has satisfied items (1) and (3) above. However, Petitioner has not satisfied Item (2) by demonstrating: (1) a bona fide attempt was made to present a copy of the application papers for U.S. application 12/066,479 to the nonsigning inventors for signature and (2) Inventor COWAN and FUCHS' refusal to sign. Item (4) is also not satisfied.

For the reasons set forth above, the evidence submitted does not support a finding that the nonsigning inventors refuse to sign the application at this time. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons above, the petition of 29 May 2008 UNDER 37 CFR 1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR 1.47(a) 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 petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

/Katherine Moran/
PCT Legal, Detailee
PCT Legal Office
Telephone: 571-272-6095

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29 SEP 2009

Klarquist Sparkman, LLP
121 SW Salmon Street
Suite 1600
Portland, OR 97204

In re Application of
COWAN et al.
U.S. Application No.: 12/066,479
PCT No.: PCT/US2006/035267
Int. Filing Date: 12 September 2006
Priority Date: 12 September 2005
Attorney Docket No.: 7276-76423-06
For: TARGETS AND PROCESSES FOR FABRICATING SAME

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 12 June 2009. In a decision dated 16 March 2009, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventors, Thomas Cowan and Julien Fuchs, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 12 June 2009 with the present petition was executed by the named inventors, the previous non-signing inventors, Thomas Cowan and Julien Fuchs. The declaration filed 12 June 2009 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT.

The application has an international filing date of 12 September 2006 under 35 U.S.C. 363 and a date of 12 June 2009 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith
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2 4 FEB 2009

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
DE LA TORRE	:	DECISION ON PETITION
Serial No.: 12/066,487	:	
PCT No.: PCT/US06/35320	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 11 September 2006	:	
Priority Date: 12 September 2005	:	
Atty Docket No.: ABELAP.007NP	:	
For: COMPOSITION COMPRISING DIMETHYL SULFOXIDE (DMSO)	:	

This decision is in response to the "Petition Under 37 CFR §1.47(B): Filing When An Inventor Refuses to Sign or Cannot Be Reached" filed 22 January 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 11 September 2006, applicant filed international application PCT/US06/35320 which claimed priority to an earlier application filed 12 September 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 12 March 2008.

On 11 March 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 Information Disclosure Statement and a preliminary amendment. An executed oath or declaration as required by 35 U.S.C. 371 (c)(4) was not filed.

On 12 August 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 inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. In addition, applicant was notified of the need to provide a surcharge of $65.00 for filing the oath or declaration later than the appropriate 20 or 30 months from the earliest priority date. (37 CFR 1.492(e)). 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 22 January 2009, applicant responded with the present petition accompanied by a petition for a four-month extension of time and payment of the four-month extension of time fee. As such, the petition is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(h); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant has satisfied items (1)-(4) and (6).

As to item (5), applicant has submitted an assignment document executed by the sole inventor assigning his rights in the invention to the corporate applicant. However, this assignment has not been recorded with the USPTO. In addition, applicant has not provided a statement under 37 CFR 3.73(b). (See Manual of Patent Examining Procedure (MPEP) sections 409.03(f) and 324).

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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In re Application of	:	
DE LA TORRE	:	DECISION ON PETITION
Serial No.: 12/066,487	:	
PCT No.: PCT/US06/35320	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 11 September 2006	:	
Priority Date: 12 September 2005	:	
Atty Docket No.: ABELAP.007NP	:	
For: COMPOSITION COMPRISING DIMETHYL	:	
SULFOXIDE (DMSO)	:	

This decision is in response to the "Renewed Petition Under 37 CFR §1.47(B): Filing When An Inventor Refuses to Sign or Cannot Be Reached" filed 03 March 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 24 February 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b). Applicant was afforded two months to file any request for reconsideration.

On 03 March 2009, applicant responded with the present renewed petition.

DISCUSSION

As detailed in the decision mailed 24 February 2009, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(h); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1)-(4) and (6).

With the filing of the present renewed petition and supporting materials applicant has satisfied the remaining item and it is therefore proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application has an international filing date of 11 September 2006 under 35 U.S.C. 363, and will be given a date of **22 January 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 address of record. A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

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10 APR 2009

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Mr. Jack De La Torre
3416 80th Avenue Ct. NW
Gig Harbor, WA 98335

In re Application of
DE LA TORRE
Serial No.: 12/066,487
PCT No.: PCT/US06/35320
Int. Filing Date: 11 September 2006
Priority Date: 12 September 2005
Atty Docket No.: ABELAP.007NP
For: COMPOSITION COMPRISING DIMETHYL SULFOXIDE (DMSO)

Dear Mr. De La Torre:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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NORRIS, MCLAUGHLIN & MARCUS
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NEW YORK, NY 10022

In re Application of NATSCH et al	:	
U.S. Application No.: 12/066,518	:	
PCT Application No.: PCT/CH2006/000481	:	DECISION
Int. Filing Date: 08 September 2006	:	
Priority Date Claimed: 12 September 2005	:	
Attorney Docket No.: 102790-274 (30195 US)	:	
For: TOPICAL COMPOSITIONS FOR REDUCING SKIN IRRITATION	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 17 October 2008.

BACKGROUND

On 08 September 2006, applicant filed international application PCT/CH2006/000481, which claimed priority of an earlier United Kingdom application filed 12 September 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 22 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 12 March 2008.

On 12 March 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 02 July 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 October 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 inventor on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Michael Wasescha 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. Wasescha for signature (see letter dated 30 July 2008) and that the papers were successfully delivered to Mr. Wasescha's last known address (see FedEx tracking results). Furthermore, the petition sufficiently illustrates Mr. Wasescha's refusal to sign. Specifically, Mr. Wasescha's failure to return an executed declaration in response to the 30 July 2008 letter is deemed a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Mr. Wasescha refuses to join in the application.

With regard to item (3) above, the requisite petition fee will be charged to Deposit Account No. 14-1263 as authorized in the petition.

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 08 September 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 October 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.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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Michael Wasescha
c/o Bellinazzi
Klotenerstrasse 9
CH 8305 Dietlikon
SWITZERLAND

In re Application of NATSCH et al
U.S. Application No.: 12/066,518
PCT Application No.: PCT/CH2006/000481
Int. Filing Date: 08 September 2006
Priority Date Claimed: 12 September 2005
For: TOPICAL COMPOSITIONS FOR REDUCING SKIN IRRITATION

Dear Michael Wasescha:

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.

BryanLin
Bryan Lin
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Attorney Docket No.: 102790-274 (30195 US)

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MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

MAY 13 2010

OFFICE OF PETITIONS

In re Application of
Jordi Ros-Giralt, et al.
Application No. 12/066,533
Filed: March 12, 2008
Attorney Docket No. IST-008-US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 25, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Christopher J. Maier on behalf of all attorneys of record who are associated with customer No. 62008. All attorneys/agents associated with the Customer Number 62008 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed January 26, 2010 that requires a reply by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: ALBERT LEE
51 SPRUCEWOOD
ALISO VIEJO, CA 95656

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/066,533	03/12/2008	Jordi Ros-Giralt	IST-008-US

CONFIRMATION NO. 1486

POWER OF ATTORNEY NOTICE

62008
MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA, VA 22314

OC000000041539522

Date Mailed: 05/10/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/25/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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17 JUN 2008

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Anthony D. Logan
Venable, Campillo, Logan
& Meaney PC
1938 E. Osborn Rd.
Phoenix, AZ 85016

In re Application of	:	DECISION ON
BAYRAM, Timucin	:	
Application No.: 12/066,581	:	
PCT No.: PCT/IB2005/054428	:	
Int. Filing Date: 30 December 2005	:	PETITION UNDER
Priority Date: 12 August 2005	:	
Attorney's Docket No.: PHDL1258-001	:	
For: TEST SYSTEM THAT FORMS	:	
OPPOSITE BRAKING	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 12 March 2008.

BACKGROUND

On 30 December 2005, this international application was filed, claiming an earliest priority date of 12 August 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 12 February 2008. This international application became abandoned with respect to the United States at midnight on 12 February 2008 for failure to pay the required basic national fee.

On 12 March 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, the petition fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **12 March 2008.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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2 6 MAR 2009

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One Park Place
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In re Application of	:	
MARR *et al*	:	
Application No.: 12/066,601	:	
PCT No.: PCT/EP06/07627	:	
Int. Filing Date: 02 August 2006	:	DECISION
Priority Date: 12 September 2005	:	
Atty. Docket No.: 3030369 US01	:	
For: SUCKER FOR DRINKING	:	
PURPOSES	:	

This is a decision on applicants' "PETITION UNDER 37 CFR 1.497(d)" filed in the U.S. Patent and Trademark Office (USPTO) on 23 September 2008.

BACKGROUND

On 02 August 2006, applicants filed international application No. PCT/EP06/07627 which claimed a priority date of 12 September 2005, and which designated the United States. The 30 month deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was set to expire on 12 March 2008.

On 12 March 2008, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*,: the basic national fee,

On 02 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and a surcharge for providing the oath or declaration later than 30 months from the priority date were required.

On 23 September 2008, applicants filed the present petition which was accompanied by, *inter alia*, the present petition under 37 CFR 1.497(d), statements by the deleted and

additional inventors, a declaration of the inventors, the requisite fee for late filing of the declaration, and a statement of consent by the assignee.

On 05 November 2008, the DO/EO/US prematurely mailed a filing receipt and a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903).

DISCUSSION

Under 37 CFR 1.497(d) a request to add or delete an inventor 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); (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and (4) Any new oath or declaration required by 37 CFR 1.497(f). Applicants have satisfied items (1), (2) and (4).

With respect to item (2) above, the requisite fee of $130 has been charged to counsel's deposit account No. 50-3010 as authorized in the petition.

With regard to item (3), a review of the application file reveals that the statement of assent of the assignee was not accompanied by either a copy of the assignment or an indication where such has been recorded in the USPTO. As such, item 3 cannot be said to have been satisfied.

In that item (3) cannot be said to have been satisfied, the request to delete and add inventors may not be properly granted at this time.

CONCLUSION

For the reasons above, the petition is **DISMISSED** without prejudice.

The Filing Receipt and the Form PCT/DO/EO/903 mailed 05 November 2008, were mailed in error and is hereby **VACATED**.

If reconsideration on the merits of this request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". No additional fee is required.

A proper response must include either a copy of the assignment or an indication where such has been recorded in the USPTO.

Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Mail Stop PCT, PO Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

Richard R. Cole
Senior PCT Legal Examiner
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UNITED STATES PATENT AND TRADEMARK OFFICE

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New York, NY 10016

In re Application of
GAETANI, Franco
U.S. Application No.: 12/066,625
PCT No.: PCT/EP2006/066538
Int. Filing Date: 20 September 2006
Priority Date: 20 October 2005
Attorney Docket No.: 1108.1029
For: DIETARY SUPPLEMENT ENERGY-PROVIDING TO SKELETAL MUSCLES AND PROTECTING THE CARDIO VASCULAR TRACT

DECISION

This decision is in response to the papers filed 11 November 2008 which are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 12 March 2008, applicant filed papers to enter the national stage using the USPTO EFS-Web system as the national stage of PCT/EP2006/066558. All other papers filed indicate that the application was intended to be the national stage of PCT/EP2006/066538. The application was processed as the national stage of PCT/EP2006/066558 by the USPTO.

On 07 October 2008, a communication was mailed requesting clarification on the PCT number.

On 11 November 2008, applicant filed a petition to change the underlying PCT application in the above-identified national stage application.

DISCUSSION

Applicant requests that the PCT number in the above-captioned national stage application be corrected to PCT/EP2006/066538. This request is treated as a petition under 37 CFR 1.182. The $400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was designated when filing the application electronically using the USPTO EFS-Web. The PCT number was listed as PCT/EP2006/066558 by applicant when

filing electronically with the USPTO.

However, all indications on the transmittal letter including the name of the inventor, the title, and the international filing date correspond to PCT/EP2006/066538. WIPO records show that the title, international filing date and inventor correspond to PCT/EP2006/066538. Moreover, applicants state in the instant petition that the PCT number should be PCT/EP2006/066538.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/EP2006/066538 and that applicants simply made a typographical error upon filing.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/EP06/66538.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

0 1 OCT 2008

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FOLEY & LARDNER
2029 CENTURY PARK EAST
SUITE 3500
LOS ANGELES CA 90067

In re Application of	:	
BURKE (deceased)	:	DECISION ON
Application No.: 12/066,639	:	
PCT No.: PCT/GB2005/003570	:	PAPERS
Int. Filing Date: 16 September 2005	:	
Priority Date: None	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 078986-0230	:	
For: METHOD AND APPARATUS	:	
FOR CLARIFYING VIDEO DATA	:	

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 09 June 2008, which included a declaration of the inventor. The indication in this declaration that inventor Trevor John Burke is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 16 September 2005, applicant filed international application PCT/GB2005/003570, which designated the United States and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 22 March 2007. The thirty-month period for paying the basic national fee in the United States expires at midnight on 17 March 2008 (16 March 2008 being a Sunday).

On 12 March 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 09 June 2008, applicant filed a submission which included a declaration of the inventor. The indication in the declaration that inventor Trevor John Burke is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 09 June 2008 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 09 June 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
PANG, HEE SUK, et al.	:	DECISION ON REQUEST TO
Application No. 12/066,642	:	PARTICIPATE IN PATENT
Filed: March 12, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 19819-022US1	:	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 A. Wieder

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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2 3 JAN 2009

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
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IRVINE CA 92614

In re Application of: MILLAR, Douglas, Spencer, et al. U.S. Application No.: 12/066,644 PCT No.: PCT/AU2006/001349 International Filing Date: 14 September 2006 Priority Date: 14 September 2005 Atty's Docket No.: ALAR36.001APC For: ASSAY FOR A HEALTH STATE	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 02 October 2008. Deposit Account No. 11-1410 will be charged the required $200 petition fee.

BACKGROUND

On 14 September 2006, applicants filed international application PCT/AU2006/001349. The international application claimed a priority date of 14 September 2005, and it designated the United States. On 22 March 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 14 March 2008.

On 12 March 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 04 August 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, the surcharge for filing the oath or declaration later than thirty months after the priority date, and additional sequence listing materials were required.

On 02 October 2008, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge, additional sequence listing materials, 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 George L. Gabor MIKLOS, 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 authorized a charge to Deposit Account No. 11-1410 for 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 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 non-signing inventor at his last known address, that the materials were received by the inventor, and that the inventor has failed to provide the requested signature. 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 **GRANTED**.

The application is accepted without the signature of non-signing inventor George L. Gabor MIKLOS.

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, including consideration of the additional sequence listing materials filed by applicants on 02 October 2008. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 02 October 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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Facsimile: (571) 273-0459

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2 3 JAN 2009

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George L. Gabor MIKLOS
19 Bungan Head Road
Newport NSW 2108
AUSTRALIA

In re Application of: MILLAR, Douglas, Spencer, et al.
U.S. Application No.: 12/066,644
PCT No.: PCT/AU2006/001349
International Filing Date: 14 September 2006
Priority Date: 14 September 2005
Atty's Docket No.: ALAR36.001APC
For: ASSAY FOR A HEALTH STATE

Dear Mr. MIKLOS:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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Facsimile: (571) 273-0459

Counsel Of Record:
KNOBBE MARTENS OLSON & BEAR LLP
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FISH & RICHARDSON P.C.
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In re Application of PANG, HEE SUK, et al. Application No. 12/066,645 Filed: March 12, 2008 Attorney Docket No. 19819-216US1	: : : : : : :	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
Quality Assurance Specialist
Technology Center 2600
Communications

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In re Application of	:	
PANG, HEE SUK, et al.	:	DECISION ON REQUEST TO
Application No. 12/066,650	:	PARTICIPATE IN PATENT
Filed: March 12, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No.: 19819-215US1	:	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 19, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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In re Application of	:	
PANG, HEE SUK, et al.	:	DECISION ON REQUEST TO
Application No. 12/066,651	:	PARTICIPATE IN PATENT
Filed: April 01, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 19819-217US1	:	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
Quality Assurance Specialist
Technology Center 2600
Communications

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APR 05 2010

OFFICE OF PETITIONS

JOSEPH SERY
5848 MEADOWS DEL MAR
SAN DIEGO CA 92130

In re Application of
Joseph SERY
Application No. 12/006,656
Filed: January 4, 2008

ON PETITION

This is in response to the communication, filed January 19, 2010, 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 September 8, 2009, the Office mailed a Notice of Allowability, which set a three month shortened statutory period to reply. The application became abandoned on December 9, 2009, for failure to submit a timely response to the Notice of Allowability. On December 29, 2009, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment because a response to the Notice of Allowability was timely mailed. Specifically, petitioner states that the required documents were mailed timely but were not received by the Office.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice of Allowability, 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.

Although petitioner states that the required documents were properly mailed, Petitioner has not submitted an appropriate certificate of mailing. Indeed, Petitioner has submitted a credit card statement showing a charge to the USPS posted on December 8, 2009; however, the credit card statement is not sufficient proof of a certificate of mailing for the instant application. For this reason, the petition is hereby dismissed.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing 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), **$750.00 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 $750.00 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 concerning this decision should be directed to Olisa Anwah at (571) 272-6051 or in his absence, the undersigned at (571) 272-7099.

David A. Bucci
Petitions Examiner
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 of Allowability dated September 8, 2009.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 09/08/2009

JOSEPH SERY
5848 MEADOWS DEL MAR
SAN DIEGO, CA 92130

EXAMINER	
LEGESSE, NINI F	
ART UNIT	PAPER NUMBER
3711	

DATE MAILED: 09/08/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/006,656	01/04/2008	Joseph Sery		7271

TITLE OF INVENTION: GOLF TRAINING DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$755	$300	$0	$1055	12/08/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 09/08/2009

JOSEPH SERY
5848 MEADOWS DEL MAR
SAN DIEGO, CA 92130

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/006,656	01/04/2008	Joseph Sery		7271

TITLE OF INVENTION: GOLF TRAINING DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$755	$300	$0	$1055	12/08/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
LEGESSE, NINI F	3711	473-213000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/006,656	01/04/2008	Joseph Sery		7271

7590 09/08/2009

JOSEPH SERY
5848 MEADOWS DEL MAR
SAN DIEGO, CA 92130

EXAMINER
LEGESSE, NINI F

ART UNIT	PAPER NUMBER
3711	

DATE MAILED: 09/08/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Notice of Allowability	Application No.	Applicant(s)	
	12/006,656	SERY, JOSEPH	
	Examiner	Art Unit	
	Nini Legesse	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *06/12/09*.

2. ☒ The allowed claim(s) is/are *1-11*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Nini Legesse/
Primary Examiner, Art Unit 3711

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph Sery on 08/28/09.

In claim 1 line 3, the expression "player" is changed to - - ***an upper surface of a player's forearm*** - -

In claim 1 line 4, the expression "to a player's forearm" is changed to - - ***to the player's forearm*** - -.

In claim 1 lines 6-9, the expression "a linear element for connection at two locations spaced apart along a shaft or handle or bar to be swung having a region to be gripped, which locations span the grip region thereof, said linear element being routed along or through said main body" is changed to - -***a shaft or a handle or a bat with a grip region that has two connectors spaced apart; a linear element connected at the two connectors, wherein said linear element spans the grip region and is routed along or through said main body*** - -

In claim 1 line 10, the expression "a control lever" is changed to - - ***a control lever comprising a pivot pin, a stop, and an elastic band*** - .

In claim 1 line 14, the expression "with the right side" is changed to - -***with a right side*** -.

In claim 5 line 2, the expression "a stop" is changed to - ***the stop*** -.

In claim 9 lines 1-2, the expression "A swing training device for use with a golf club, which device comprises:" is changed to - - ***A golf swing training device comprising: a golf club with a grip region***; - -

In claim 9 lines 3-4, the expression "the forearm of a player" is changed to - - ***an upper surface of a player's forearm*** - -.

In claim 9 line 5, the expression "strap means" is changed to - - ***a strap means*** - -.

In claim 9 lines 7-9, the expression "a linear element for connection to a shaft of a golf club having a grip region at two spaced apart locations therealong which locations span the grip region thereof, said linear element being routed along or through said main body," is changed to - - ***a linear element to be connected at two spaced apart locations on the grip region, wherein said linear element spans the grip region and is routed along or through said main body;"***

In claim 9 line 10, the expression "a control lever" is changed to - - ***a control lever comprising a pivot pin, a stop, an adjustable component, and an elastic band*** - .

In claim 9 lines 11-17, the expression "restraining means for allowing linear movement of said linear element in only one direction while in an active position, as a result of which said linear element will shift as a player's wrists are hinged during backswing occurs and said linear element will become locked and against movement in the opposite direction remain locked until said control lever comes into contact with the

right side of a righthanded player's body at a desired moment during the player's swing to thereby effect release of said restraining means form the active position" is changed to - -***a restraining means when in an active position will allow linear movement of said linear element in only one direction and as the player's wrists hinge during a backswing, the linear element will be locked and restrained from any linear movement in an opposite direction until said adjustable component comes into contact with the right side of a right-handed player*** - -.

In claim 11 line 2, the expression "the end of the shaft of the golf club, which overwrap" is changed to - - ***the grip region of the golf club, wherein the overwrap*** - -

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: none of the prior art of record disclose or render obvious a swing training device that has a restraining means that allows the movement of a linear element only in one direction and a control lever that releases the linear element when it contacts a player's body, when affixed in the manner claimed in combination with the other recited features of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini Legesse whose telephone number is (571) 272-4412. The examiner can normally be reached on 9 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nini Legesse/
Primary Examiner, Art Unit 3711

2 2 JUL 2008

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LATIMER, MAYBERRY & MATTHEWS IP LAW, LLP
13873 PARK CENTER ROAD
SUITE 106
HERNDON VA 20171

In re Application of	:	
Kim, Stephen Mon, et al.	:	
Application No.: 12/066,670	:	DECISION
PCT No.: PCT/AU2006/000530	:	
Int. Filing Date: 26 April 2006	:	ON PETITION UNDER
Priority Date: 26 April 2005	:	
Docket No.: SBG-104-US	:	37 CFR 1.137(b)
For: COMMUNICATIONS METHOD AND DEVICE	:	

Applicant's Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 13 March 2008 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has supplied a declaration of inventorship. However, the declaration contains non-initialed alterations to the citizenship of Mr. Kim and to the address of Mr. Bozic. MPEP 605.04(a). A new oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required. The fee for late filing of the search fee, examination fee or oath or declaration has been paid.

A proper response is required within TWO (2) MONTHS from the mail date of this decision. Any further correspondence with respect to this matter may be filed electronically or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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2 9 AUG 2008

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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	:	
LANDER, et al.	:	
U.S. Application No.: 12/066,707	:	DECISION ON PETITION
PCT No.: PCT/IB06/53205	:	
Int. Filing Date: 11 September 2006	:	UNDER 37 CFR 1.182
Priority Date: 15 September 2005	:	
Attorney's Docket No.: 00 2294 US1	:	
For: METHOD OF MANUFACTURING SEMI-CONDUCTOR DEVICE WITH DIFFERENT METALLIC GATES	:	

This decision is in response to applicant's "Petition to Change Inventors Name Under 37 CFR 1.182 filed 15 August 2008 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 11 September 2006, applicant filed international application PCT/IB06/53205, which claimed priority of an earlier application filed 15 September 2005. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 22 March 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 15 March 2008.

On 13 March 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; a First preliminary amendment; and an executed declaration.

On 08 August 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The notice indicated that the first and middle names of inventor Mark VAN DAL differed from those on the published international application. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 15 August 2008, applicant filed the petition under 37 CFR 1.182 considered herein.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

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.

It is noted that applicant's present petition references a "Oath and Declaration under 35 CFR 1.47(a)." However, the declaration filed on 13 March 2008 is executed by all three inventors; this it does not appear that applicant is proceeding under 37 CFR 1.47. However, the declaration does not comply with 37 CFR 1.497(a)-(b). As such, in addition to the requirement detailed above for the granting of the 37 CFR 1.182 petition, a new oath or declaration is required. Specifically, MPEP Section 201.03 states that:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

The filed declaration contains three pages marked "Page 2 of 2." This suggests that either the filed declaration was compiled from numerous declarations or that the inventors only returned their signature pages. Either scenario renders the document non-compliant.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **DISMISSED**.

Applicant is hereby afforded **TWO (2) MONTHS** to file a proper response as detailed above. The response should be titled, "Renewed Petition Under 37 CFR 1.182."

Please direct future correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

16 MAR 2009

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SAN JOSE CA 95131

In re Application of LANDER, et al. U.S. Application No.: 12/066,707 PCT No.: PCT/IB06/53205 Int. Filing Date: 11 September 2006 Priority Date: 15 September 2005 Attorney's Docket No.: 00 2294 US1 For: METHOD OF MANUFACTURING SEMI-CONDUCTOR DEVICE WITH DIFFERENT METALLIC GATES	DECISION ON PETITIONS UNDER 37 CFR 1.182 AND 37 CFR 1.137(b)

This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) and renewed petition under 37 CFR 1.182 filed 06 March 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 29 August 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.182. Applicant was afforded two months to file any request for reconsideration.

On 06 March 2009, applicant filed the petitions considered herein.

DISCUSSION

I. PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 06 March 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the submission reveals that applicant has now provided a bonafide response to the decision mailed 29 August 2008. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

II. RENEWED PETITION UNDER 37 CFR 1.182

As detailed in the decision mailed 29 August 2008, 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 presently a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected. In addition, applicant has submitted a newly executed declaration of the inventors which is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons stated above, applicant's petitions under 37 CFR 1.137(b) and 37 CFR 1.182 are **GRANTED**.

The application has an international filing date of 11 September 2006 under 35 U.S.C. 363 and will be given a date of **06 March 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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28 JUL 2009

MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

In re Application of SUZUKI et al	:	
U.S. Application No.: 12/066,708	:	
PCT Application No.: PCT/JP2006/318021	:	
Int. Filing Date: 12 September 2006	:	
Priority Date Claimed: 14 September 2005	:	DECISION
Attorney Docket No.: OKUDP0288US	:	
For: POSITION TRACKING METHOD,	:	
POSITION TRACKING DEVICE, AND	:	
ULTRASONOGRAPH	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 13 March 2008.

BACKGROUND

On 12 September 2006, applicant filed international application PCT/JP2006/318021, which claimed priority of an earlier Japan application filed 14 September 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 22 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 14 March 2008.

On 13 March 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 13 March 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 inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The petition states that joint inventor Yoshinao Tan-naka cannot be located. However, the petition does not adequately demonstrate that a diligent effort was made to find Mr. Tan-naka. The petition states that applicant attempted to reach Mr. Tan-naka by telephone and by searching telephone directories (see affidavit of Toshiaki Miyaji, ¶¶5-7). However, there is no evidence of any effort to contact Mr. Tan-naka by sending correspondence to the last known address of record, despite the allegation that Mr. Tan-naka is divorced, or by searching internet directories. Until documentary evidence of such attempts is provided, it would not be reasonable to conclude at the present time that Mr. Tan-naka cannot be found.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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12 NOV 2009

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In re Application of SUZUKI et al	:	
U.S. Application No.: 12/066,708	:	
PCT Application No.: PCT/JP2006/318021	:	
Int. Filing Date: 12 September 2006	:	
Priority Date Claimed: 14 September 2005	:	DECISION
Attorney Docket No.: OKUDP0288US	:	
For: POSITION TRACKING METHOD,	:	
POSITION TRACKING DEVICE, AND	:	
ULTRASONOGRAPH	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 25 September 2009.

BACKGROUND

On 12 September 2006, applicant filed international application PCT/JP2006/318021, which claimed priority of an earlier Japan application filed 14 September 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 22 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 14 March 2008.

On 13 March 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 13 March 2008, applicant filed a petition under 37 CFR 1.47(a).

On 28 July 2009, this Office mailed a decision dismissing the 13 March 2008 petition.

On 25 September 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant has previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The renewed petition states that joint inventor Yoshinao Tan-naka cannot be located. The petition adequately demonstrates that a diligent effort was made to find Mr. Tan-naka. Petitioner has included evidence of attempts to reach Mr. Tan-naka by telephone and by searching telephone directories (see affidavit of Toshiaki Miyaji, ¶¶5-7) and also evidence of attempts to search internet directories and an operator-assisted directory service (see affidavit of Yoshimichi Kajitani, ¶¶7-12). Furthermore, the petition includes documentary evidence that Mr. Tan-naka no longer resides at his last known address of record. Thus, it can be concluded with reasonable certainty that Mr. Tan-naka cannot be found.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 12 September 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 March 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.

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1 2 NOV 2009

Yoshinao Tan-naka
395-15 Kakuda
Aikakawa-cho, Aikoh-gun
Kanagawa, 228-0001
JAPAN

In re Application of SUZUKI et al
U.S. Application No.: 12/066,708
PCT Application No.: PCT/JP2006/318021
Int. Filing Date: 12 September 2006
Priority Date Claimed: 14 September 2005
For: POSITION TRACKING METHOD. . .

Dear Yoshinao Tan-naka:

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.

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11 SEP 2008

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In re Application of: VAN DAL, Mark, et al. U.S. Application No.: 12/066,714 PCT No.: PCT/IB2006/053203 International Filing Date: 11 September 2006 Priority Date: 15 September 2005 Attorney Docket No.: 00 2856 US1 For: METHOD OF MANUFACTURING SEMICONDUCTOR DEVICE WITH DIFFERENT METALLIC GATES	DECISION ON PETITION TO CHANGE INVENTOR'S NAME (37 CFR 1.182)

This decision is issued in response to applicants' "Petition To Change Inventors Under 37 CFR 1.182" filed 15 August 2008. Applicants have paid the required petition fee.

BACKGROUND

On 11 September 2006, applicants filed international application PCT/IB2006/053203. The application claimed a priority date of 15 September 2005, and it designated the United States. On 22 March 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 15 March 2008. The published international application identified the first inventor as Mark VAN DAL.

On 13 March 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 an executed declaration. The declaration identified the first inventor as Marcus Johannes Henricus VAN DAL.

On 13 August 2007, 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 declaration filed on 13 March 2008 was defective because of the inconsistency in the first inventor's name.

On 15 August 2008, applicants filed the "Petition To Change Inventors Under 37 CFR 1.182" considered herein. The petition requests correction of the name of record for the first inventor from Mark VAN DAL to Marcus Johannes Henricus VAN DAL, the name set forth on the filed declaration.

DISCUSSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

In the present application, the discrepancy between the first inventor's name as listed in the international application (Mark VAN DAL) and in the filed declaration (Marcus Johannes Henricus VAN DAL) is more than a "typographical or transliteration error." Accordingly, in order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required. Such a petition requires payment of the applicable $400 petition fee and statements from the inventor and any other person(s) having firsthand knowledge regarding the error/discrepancy in the inventor's name. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.[1]

Applicants' present petition included payment of the required petition fee. The petition also states that the name listed for the first inventor on the declaration is correct and that the name listed on the international application is the "short name" of the inventor. However, the petition does not include the required statement from the inventor confirming his correct name and indicating that the listing of the short version of his name on the international application occurred without deceptive intent. Accordingly, on the present record, correction of the name of the third inventor from Mark VAN DAL to Marcus Johannes Henricus VAN DAL is not

[1] It is noted that, if the inventor's name has actually changed since the filing of the international application, then MPEP section 605.04(c) requires "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."

appropriate. The declaration filed 13 March 2008 therefore remains defective for failure to properly identify the inventors' of record herein.

In addition, it is noted that the declaration filed 13 March 2008 appears to be a compilation of multiple documents, and therefore is not acceptable. See MPEP section 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration"). The compilation is evident from the fact that the three-page declaration includes one copy of "Page 1 of 2," but two different copies of "Page 2 of 2." The declaration is therefore not acceptable as submitted; applicants must provide complete copies of the declaration documents executed by each of the inventors.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Mark VAN DAL to Marcus Johannes Henricus VAN DAL 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 1.182" and include the materials required to satisfy the remaining requirements of a grantable petition, as discussed above, (i.e., the required statement from the inventor whose name is to be changed), as well as complete copies of the declarations executed by each of the inventors. No additional petition fee is required.

Failure to file a proper and timely response will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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02 FEB 2009

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SAN JOSE, CA 95131

In re Application of:	:	
VAN DAL, Marcus, Johannes, Henricus, et al.	:	DECISION
U.S. Application No.: 12/066,714	:	
PCT No.: PCT/IB2006/053203	:	
International Filing Date: 11 September 2006	:	
Priority Date: 15 September 2005	:	
Attorney Docket No.: 00 2856 US1	:	
For: METHOD OF MANUFACTURING SEMICONDUCTOR DEVICE WITH DIFFERENT METALLIC GATES	:	

This decision is issued in response to applicants' "Request For Renewed Petition Under 37 CFR 1.182" and the petition for revival under 37 CFR 1.137(b) filed 20 January 2009. Applicants have paid the required petition fee.

BACKGROUND

The procedural background for this application was set forth in the decision mailed 11 September 2008. The decision dismissed without prejudice applicants' petition under 37 CFR 1.182 to correct the name of record for the first inventor from Mark VAN DAL to Marcus Johannes Henricus VAN DAL for failure to satisfy all requirements for a grantable petition. Specifically, applicants had not provided the required statement from the inventor.

On 20 January 2009, applicants filed the "Request For Renewed Petition Under 37 CFR 1.182" and the petition for revival under 37 CFR 1.137(b) considered herein.

DISCUSSSION

1. Petition For Revival Under 37 CFR 1.137(b)

The decision mailed 11 September 2008 provided applicants with a two month response period, expiring 11 November 2008. However, extensions of time with respect to such deadline are available under 37 CFR 1.136(a). Pursuant to the fee authorization included in the present submission, Deposit Account No. 50-4019 will be charged the fee required for a three-month extension. In view of the three-month extension, the renewed petition under 37 CFR 1.182 filed 20 January 2009 is considered a timely response to the previous decision. The present

application was therefore never abandoned. Accordingly, the present petition for revival under 37 CFR 1.137(b) is moot. The petition fee included with such petition will be refunded to applicants' Deposit Account.

2. **Renewed Petition Under 37 CFR 1.182**

The renewed petition includes a statement from the inventor whose name is being changed confirming that his correct name is Marcus Johannes Henricus VAN DAL, as listed on the declaration, and indicating that the listing of the short version of his name (Mark VAN DAL) on the international application occurred without deceptive intent. This satisfies the final element for a grantable petition under 37 CFR 1.182 to correct the name of record for this inventor from Mark VAN DAL to Marcus Johannes Henricus VAN DAL. Based on this correction, the declaration filed herein is no longer defective for failure to properly identify the inventors of record.

In addition, the renewed petition was accompanied by complete copies of the two-page declarations executed by each of the inventors, resolving the compilation defect discussed in the previous decision.

CONCLUSION

Applicants' petition for revival under 37 CFR 1.137(b) is **DISMISSED** as moot.

Applicants' renewed petition under 37 CFR 1.182 to change the name of record for inventor Mark VAN DAL to Marcus Johannes Henricus VAN DAL is **GRANTED**.

Deposit Account No. 50-4019 will be charged the $1,110.00 fee for the required three-month extension of time to respond to the previous decision, and it will be credited with a refund of the $1,620 petition fee included with the petition for revival.

Based on the correction of the name of record for the first inventor, and the submission of complete copies of the executed declarations, the declarations filed 20 January 2009 may be accepted in compliance with 37 CFR 1.497.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 January 2009.

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In re Application of	:	
HONDA	:	DECISION ON
Application No.: 12/066,729	:	
PCT No.: PCT/BR2005/000229	:	PAPERS
Int. Filing Date: 08 November 2005	:	
Priority Date: 27 September 2005	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 7828-0004WOUS	:	
For: IMPROVEMENT ON A SYSTEM FOR	:	
TREATING RESIDUAL WATER	:	

This is a decision on the submission filed by applicants on 13 March 2008. The indication that inventor Takeshi Honda is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 08 November 2005, applicants filed international application PCT/BR2005/000229 which claimed a priority date of 27 September 2005 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 April 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 March 2008.

On 13 March 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of Toshio Nakabayashi, which indicates that inventor Takeshi Honda is deceased. This indication has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

37 CFR 1.42 concerns the death of an inventor. It states

> 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. Where the inventor dies during the time intervening between the filing of the application and the granting of a patent thereon, the letters patent may be issued to the legal representative upon proper intervention.

37 CFR 1.497(b)(2) concerns the oath or declaration of inventors under 35 U.S.C. 371(c)(4) where an inventor is deceased. It states

> 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 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.

A declaration of the inventor under 35 U.S.C. 371(c)(4) and 37 CFR 1.497(a)-(b) has not been provided. The declaration of Toshio Nakabayashi is not a declaration under 37 CFR 1.497(a)-(b) and Mr. Nakabayashi does not appear to be the legal representative of the deceased inventor. (The legal representative of the deceased inventor may be, e.g., the executor/administrator of the deceased's estate, or all of the heirs of the deceased inventor.) A proper declaration would include a declaration under 37 CFR 1.497(a)-(b) by the legal representative of Takeshi Honda indicating, *inter alia*, that the person executing the declaration is the legal representative of Takeshi Honda and including the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name and citizenship of the deceased inventor (37 CFR 1.497(a)(3)). See, e.g., Form PTO/SB/02LR (available at **www.uspto.gov).**

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

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.

Applicant is required to submit a proper declaration within a time period of **TWO (2) MONTHS** from the mail date of this Decision. A proper declaration is described above. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

/Daniel Stemmer/

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In re Application of	:	
HONDA	:	DECISION
Application No.: 12/066,729	:	
PCT No.: PCT/BR2005/000229	:	
Int. Filing Date: 08 November 2005	:	
Priority Date: 27 September 2005	:	
Attorney's Docket No.: 7828-0004WOUS	:	
For: IMPROVEMENT ON A SYSTEM FOR	:	
TREATING RESIDUAL WATER	:	

This is a decision on the submission filed by applicant on 16 September 2008.

BACKGROUND

On 08 November 2005, applicant filed international application PCT/BR2005/000229 which claimed a priority date of 27 September 2005 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 April 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 March 2008.

On 13 March 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of Toshio Nakabayashi, which indicates that inventor Takeshi Honda is deceased. This indication was treated as a request for status under 37 CFR 1.42.

On 29 July 2008, a decision was mailed refusing applicant's request for status under 37 CFR 1.42. Specifically, it was noted that the declaration of Toshio Nakabayashi is not a declaration under 37 CFR 1.497(a)-(b), that Mr. Nakabayashi does not appear to be the legal representative of the deceased inventor, and that a proper declaration would include a declaration under 37 CFR 1.497(a)-(b) by the legal representative of Takeshi Honda indicating, *inter alia*, that the person executing the declaration is the legal representative of Takeshi Honda and including the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name and citizenship of the

deceased inventor (37 CFR 1.497(a)(3)). Attention was directed to Form PTO/SB/02LR available at www.uspto.gov.

On 16 September 2008, applicant filed the instant submission requesting that the request for status under 37 CFR 1.42 be considered under 37 CFR 1.47(b).

DISCUSSION

As noted in MPEP § 409.03(c) (reproduced below), 37 CFR 1.47 is not an alternative to 37 CFR 1.42 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor.

> 37 CFR 1.47 should not be considered an alternative to 37 CFR 1.42 or 35 U.S.C. 117 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor. *In re Application Papers Filed September 10, 1954*, 108 USPQ 340 (Comm'r Pat. 1955). See 37 CFR 1.42 and MPEP § 409.01. However, 37 CFR 1.47 does apply where a known legal representative of a deceased inventor cannot be found or reached after diligent effort, or refuses to make application. In such cases, the last known address of the legal representative must be given (see MPEP 409.03(e)).

MPEP § 409.03(c). It is urged that because the deceased inventor had no next of kin in Brazil, no appointment of a legal representative could be made by anyone in Brazil (paragraph 4 of declaration of facts of John C. Hilton). However, no mention is made of whether Mr. Honda had a will. Even if there was no will, Brazilian law would presumably provide some procedure(s) for distribution of the deceased's estate which would typically involve the appointment of a legal representative.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(b) is **DISMISSED** as **MOOT**.

For the reasons set forth in the decision mailed 29 July 2008, the request for status under 37 CFR 1.42 is **REFUSED**.

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.

Applicants are required to submit a proper declaration within a time limit of ONE MONTH from the date of this decision or within the time remaining in the response set forth in

the Decision mailed 29 July 2008, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Decision mailed 29 July 2008 may be extended under 37 CFR 1.136(a).

/Daniel Stemmer/

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17 FEB 2009

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HARTFORD CT 06103

In re Application of	:	
HONDA	:	DECISION
Application No.: 12/066,729	:	
PCT No.: PCT/BR2005/000229	:	
Int. Filing Date: 08 November 2005	:	
Priority Date: 27 September 2005	:	
Attorney's Docket No.: 7828-0004WOUS	:	
For: IMPROVEMENT ON A SYSTEM FOR	:	
TREATING RESIDUAL WATER	:	

This is a decision on the submission filed by applicant on 19 December 2008 and the supplemental submission filed 30 December 2008.

BACKGROUND

On 08 November 2005, applicant filed international application PCT/BR2005/000229 which claimed a priority date of 27 September 2005 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 April 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 March 2008.

On 13 March 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of Toshio Nakabayashi, which indicates that inventor Takeshi Honda is deceased. This indication was treated as a request for status under 37 CFR 1.42.

On 29 July 2008, a decision was mailed refusing applicant's request for status under 37 CFR 1.42. Specifically, it was noted that the declaration of Toshio Nakabayashi is not a declaration under 37 CFR 1.497(a)-(b), that Mr. Nakabayashi does not appear to be the legal representative of the deceased inventor, and that a proper declaration would include a declaration under 37 CFR 1.497(a)-(b) by the legal representative of Takeshi Honda indicating, *inter alia*, that the person executing the declaration is the legal representative of Takeshi Honda and including the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name and citizenship of the

deceased inventor (37 CFR 1.497(a)(3)). Attention was directed to Form PTO/SB/02LR available at www.uspto.gov.

On 16 September 2008, applicant filed a submission requesting that the request for status under 37 CFR 1.42 be considered under 37 CFR 1.47(b).

On 24 November 2008, a decision was mailed dismissing applicant's petition under 37 CFR 1.47(b) as moot and refusing applicant's required for status under 37 CFR 1.42.

On 19 December 2008, applicant filed a submission including a Form PTO/SB/02LR signed by applicant's legal representative.

On 30 December 2008, applicant filed a supplemental submission including both a Form PTO/SB/01 and a Form PTO/SB/02LR signed by applicant's legal representative.

DISCUSSION

The submission filed 30 December 2008 has been reviewed and has been found in compliance with 37 CFR 1.42. (Since applicant's response filed 19 December 2008 was bona fide, the supplemental response filed 30 December 2008 is considered timely.)

The declaration of the inventor filed 30 December 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

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Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine CA 92614

In re Application of
BLOTT et al.
Application No.: 12/066,730
PCT No.: PCT/GB2006/003425
Int. Filing Date: 15 September 2006
Priority Date: 15 September 2005
Atty. Docket No.: SMNPH.018APC
For: APPARATUS WITH ACTIVES FROM TISSUE

DECISION

This decision is issued in response to applicants' "Transmittal Letter" filed 06 May 2009 and to the "Request for Corrected Filing Receipt" submitted on 26 June 2009 and 31 August 2009 treated herein as a petition under 37 CFR 1.182 to treat the present application as a national stage of PCT/GB2006/003425. Deposit Account No. 11-1410 will be charged the required petition fee, as authorized in the 06 May 2009 communication.

BACKGROUND

On 15 September 2006, applicants filed international application PCT/GB2006/003425 which claimed a priority date of 15 September 2005. On 22 March 2007, a copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 15 March 2008.

On 13 March 2008, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. The submission was assigned U.S. application number 12/066,730.

The materials included: (1) Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/GB2006/003425; (2) a preliminary amendment that identified the application as a national stage of PCT/GB2006/003425; and (3) an application data sheet that identified the application as a national stage of PCT/GB2006/003425. However, the bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/US2006/003425. Thus, the initial application

materials filed 13 March 2008 identified two different international application numbers (PCT/US2006/003425 and PCT/GB2006/003425) to which the national stage application was purportedly directed.

Based on USPTO processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2006/003425, the international application number set forth in the bibliographic data provided by applicants when filing the electronic application.

On 09 October 2008, applicants filed an executed declaration which identified the application as a national stage of PCT/GB2006/003425, filed 15 September 2006.

On 27 February 2009, the USPTO mailed a Notification Of Acceptance indicating that the application was a national stage of PCT/US2006/003425 (the filing receipt also listed the application as a national stage of PCT/US2006/003425).

On 06 May 2009, applicants filed "Transmittal Letter" which is being treated as a petition under 37 CFR 1.182.

On 26 June 2009 and 31 August 2009, applicants filed "Request for Corrected Filing Receipt."

DISCUSSION

As set forth above, the bibliographic data entered by applicants during the electronic filing incorrectly identified the international application to which the present national stage filing was directed. Correction of this error is required before the materials filed 13 March 2008 can be treated as having been directed to international application PCT/GB2006/003425, as necessary to avoid abandonment of this international application with respect to the United States.

The 06 May 2009 "Transmittal Letter" has been treated as a petition under 37 CFR 1.182. Applicant has authorized a charge to Deposit Account No. 11-1410 for required fees; based on this authorization, Deposit Account No. 11-1410 will be charged the required $400 petition fee. In the petition, applicants confirm that the identification of international application PCT/US2006/003425 during the electronic filing process was the result of an error and that the correct international application herein is PCT/GB2006/003425. Further, applicants note that the correct international application number was contained in the materials filed 13 March 2008 (specifically, on the Transmittal letter and the application data sheet). Finally, applicants' petition included payment of the required $400 petition fee.

The petition to treat the present application as a national stage of PCT/GB2006/003425 is granted. The Notification Of Acceptance and filing receipt mailed 27 February 2009 (both of which indicate that the application is a national stage of PCT/DE2004/003946), are appropriately vacated.

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED**.

USPTO records will be corrected to indicate that the present application is the national stage of PCT/GB2006/003425 with an international filing date of 15 September 2006 and claims priority to GB 0518826.3 (15 September 2005). The 35 U.S.C. 371(c) date is 09 October 2008.

The Notification Of Acceptance and filing receipt mailed 27 February 2009 are hereby **VACATED** based on their identification of the present application as a national stage of PCT/US2006/003425.

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) correcting USPTO records so as to identify the present application as a national stage of PCT/GB2006/003425; and (2) issuing a corrected Notification Of Acceptance; and (3) issuing a corrected filing receipt which properly identifies the application as a national stage of PCT/GB2006/003425.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration

Tel.: 571-272-3298

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2040 MAIN STREET
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IRVINE CA 92614

MAILED
JUN 21 2010
OFFICE OF PETITIONS

Applicant: Blott, et al.
Appl. No.: 12/066,730
International Filing Date: September 15, 2006
Title: APPARATUS WITH ACTIVES FROM TISSUE
Pub. No.: US 2009/0143753 A1
Pub. Date: June 4, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on August 3, 2009, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

APR 23 2009

OFFICE OF PETITIONS

Applicant: Rietzler
Appl. No.: 12/066,741
International Filing Date: August 28, 2006
Title: CHIP MODULE AND METHOD FOR PRODUCING A CHIP MODULE
Attorney Docket No.: SMT-009
Pub. No.: US 2008/0259583 A1
Pub. Date: 10/23/08

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 11, 2008, for the above-identified application

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains material errors in claims 2, 3, 6, 7, 9 and 12 wherein the phrase "characterized in that" was improperly included when the preliminary amendment filed on March 13, 2008 removed the phrase from 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 errors noted in claims 2, 3, 6, 7, 9 and 12, wherein the phrase "characterized in that" was not properly deleted from the claims is an Office error, but it is not a material Office error under 37 CFR 1.221. The inclusion of "characterized in that" in the claims is not a material Office error as 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.

[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 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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JUL 10 2008

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
Kazuhide NAKANIWA.	:	DECISION ON REQUEST TO
Application No. 12/066,756	:	PARTICIPATE IN PATENT
Filed: March 13, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 1018775-001044	:	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 25, 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 fails to comply with the requirement because:

The petition does not include a copy of the allowable/patentable claim(s) from the JPO application (in Japanese). The petition includes only an English translation of the claims.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Ram R. Shukla at 571-272-8300.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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ALEXANDRIA VA 22313-1404

In re Application of	:	
Kazuhide NAKANIWA.	:	DECISION ON REQUEST TO
Application No. 12/066,756	:	PARTICIPATE IN PATENT
Filed: March 13, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 1018775-001044	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This letter is in response to the Request for Reconsideration filed August 06, 2008 to reconsider the Dismissal Decision of July 10, 2008 on the request of the petition to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 25, 2008, to make the above-identified application special.

BACKGROUND

On July 10, Applicants' request and petition to participate in the PPH program was denied as the request did not include a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) in Japanese.

DISCUSSION

In their request for reconsideration, Applicants provided a copy of the office actions in Japanese. Applicants also provided a print out of the Public PAIR indicating that the office actions were previously filed with the petition. All the requirements for the PPH petition are met.

Accordingly, the request for reconsideration and petition are **GRANTED.**

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

06 FEB 2009

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TAKEDA SAN DIEGO, INC.
10410 SCIENCE CENTER DRIVE
SAN DIEGO CA 92121

In re Application of	:	DECISION
FENG et al.	:	
Application No.: 12/066,769	:	
PCT No.: PCT/US2006/036276	:	
Int. Filing Date: 15 September 2006	:	
Priority Date: 16 September 2005	:	
Attorney Docket No.: DPP4-5034-WO-U	:	
For: DIPEPTIDYL PEPTIDASE INHIBITORS	:	

This decision is in response to applicant's petition under 37 CFR 1.497(d) filed on 31 October 2008.

BACKGROUND

On 15 September 2006, applicant filed international application PCT/US2006/036276, which designated the United States and claimed a priority date of 16 September 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 29 March 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 March 2008 (16 March 2008 being a Sunday).

On 13 March 2008, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 31 October 2008, applicant filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time and statements from the additional inventors.

On 26 January 2009, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE

RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 10 June 2008 did not identify the same inventive entity as indicated in the international application.

DISCUSSION

The NOTIFICATION OF DEFECTIVE RESPONSE mailed 26 January 2009 was mailed in error (i.e., applicants' petition under 37 CFR 1.497(d) had not been taken into account) and is hereby VACATED.

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Item (1) has been satisfied. As to item (2), the processing fee of $130 has been charged to Deposit Account 50-2256. Item (4) is not required.

Item (3) has not been satisfied. No mention is made in the petition regarding whether an assignment has been executed. If an assignment has been executed, the written consent of the assignee is required. A proper showing under 37 CFR 3.73(b) is also required if an assignment has been executed. See MPEP § 324.

Declaration of Inventors

The declaration filed with the petition is an improper composite declaration, consisting of one of "[Page 1 of 3]", one of "[Page 2 of 3]", one of "[Page 3 of 3]", one of "Supplemental Sheet Page 1 of 5", **two** of "Supplemental Sheet Page 2 of 5", **two** of "Supplemental Sheet Page 3 of 5", one of "Supplemental Sheet Page 4 of 5", and **two** of "Supplemental Sheet Page 5 of 5". Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. Multiple complete declarations may be submitted, but it is not permissible to combine pages of separate documents.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

The NOTIFICATION OF DEFECTIVE RESPONSE mailed 26 January 2009 is VACATED for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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TAKEDA SAN DIEGO, INC.
10410 SCIENCE CENTER DRIVE
SAN DIEGO CA 92121

In re Application of	:	DECISION
FENG et al.	:	
Application No.: 12/066,769	:	
PCT No.: PCT/US2006/036276	:	
Int. Filing Date: 15 September 2006	:	
Priority Date: 16 September 2005	:	
Attorney Docket No.: DPP4-5034-WO-U	:	
For: DIPEPTIDYL PEPTIDASE INHIBITORS	:	

This decision is in response to applicants' renewed petition under 37 CFR 1.497(d) filed on 22 April 2009.

BACKGROUND

On 15 September 2006, applicant filed international application PCT/US2006/036276, which designated the United States and claimed a priority date of 16 September 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 29 March 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 March 2008 (16 March 2008 being a Sunday).

On 13 March 2008, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 31 October 2008, applicant filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time and statements from the additional inventors.

On 26 January 2009, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE

RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 10 June 2008 did not identify the same inventive entity as indicated in the international application.

On 06 February 2009, a decision was mailed vacating the NOTIFICATION OF DEFECTIVE RESPONSE mailed 26 January 2009 (because it was mailed in error) and dismissing without prejudice applicants' petition under 37 CFR 1.497(d). Specifically, it was noted that if an assignment had been executed, the written consent of the assignee as well as a proper showing under 37 CFR 3.73(b) were required. The decision also noted that the declaration of inventors filed 31 October 2008 was insufficient and that a new declaration of inventors was required.

On 04 March 2009, applicants filed a new declaration of inventors.

On 22 April 2009, applicants filed a renewed petition under 37 CFR 1.497(d) which was accompanied by a showing under 37 CFR 3.73(b) and a petition/fee for a one-month extension of time.

DISCUSSION

The NOTIFICATION OF DEFECTIVE RESPONSE mailed 26 January 2009 was mailed in error (i.e., applicants' petition under 37 CFR 1.497(d) had not been taken into account) and is hereby VACATED.

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 06 February 2009, items (1) and (2) have been satisfied and item (4) is not required.

Item (3) has still not been satisfied. Although a proper showing under 37 CFR 3.73(b) has been provided, the written consent of the assignee has not.

CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED** without prejudice for the reasons set forth above.

Since the reply filed 22 April 2009 appears to have been bona fide, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to provide written consent of the assignee. Failure to timely file a proper reply will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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TAKEDA SAN DIEGO, INC.
10410 SCIENCE CENTER DRIVE
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In re Application of	:	DECISION
FENG et al.	:	
Application No.: 12/066,769	:	
PCT No.: PCT/US2006/036276	:	
Int. Filing Date: 15 September 2006	:	
Priority Date: 16 September 2005	:	
Attorney Docket No.: DPP4-5034-WO-U	:	
For: DIPEPTIDYL PEPTIDASE INHIBITORS	:	

This decision is in response to applicants' renewed petition under 37 CFR 1.497(d) filed on 18 May 2009.

BACKGROUND

On 15 September 2006, applicant filed international application PCT/US2006/036276, which designated the United States and claimed a priority date of 16 September 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 29 March 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 March 2008 (16 March 2008 being a Sunday).

On 13 March 2008, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 31 October 2008, applicant filed a petition under 37 CFR 1.497(d) which was accompanied by, *inter alia*, a petition/fee for a three-month extension of time and statements from the additional inventors.

On 26 January 2009, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE

RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 10 June 2008 did not identify the same inventive entity as indicated in the international application.

On 06 February 2009, a decision was mailed vacating the NOTIFICATION OF DEFECTIVE RESPONSE mailed 26 January 2009 (because it was mailed in error) and dismissing without prejudice applicants' petition under 37 CFR 1.497(d). Specifically, it was noted that if an assignment had been executed, the written consent of the assignee as well as a proper showing under 37 CFR 3.73(b) were required. The decision also noted that the declaration of inventors filed 31 October 2008 was insufficient and that a new declaration of inventors was required.

On 04 March 2009, applicants filed a new declaration of inventors.

On 22 April 2009, applicants filed a renewed petition under 37 CFR 1.497(d) which was accompanied by a showing under 37 CFR 3.73(b) and a petition/fee for a one-month extension of time.

On 27 April 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.497(d). Specifically, it was noted that although a proper showing under 37 CFR 3.73(b) had been provided, the written consent of the assignee had not.

On 18 May 2009, applicants filed the instant renewed petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 06 February 2009, items (1) and (2) have been satisfied and item (4) is not required.

Item (3) has now been satisfied as well.

Declaration of the Inventors

The declaration of the inventors filed 04 March 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Jun FENG, Stephen L. GWALTNEY, Jeffrey A. STAFFORD, Zhiyuan ZHANG, Paul R. BRODFUERHRER, Bruce ELDER, Paul ISBESTER, Richard S. FORNICOLA, Philip B. KISANGA, Bingidimi I. MOBELE, Grant J. PALMER, Maxwell M. REEVE, Jonathon S. SALSBURY, Luckner ULYSSE, and Sripathy VENKATRAMAN as inventors.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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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.
12/066,771		Takuya TERANISHI	2008-0415A	3617

52349 7590 03/18/2009
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
03/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of: Takuya TERANISHI
Application No. 12/066,771
Filed: March 13, 2008
Attorney Docket: 2008-0415A
For: **ELECTRONIC DOCUMENT GENERATING APPARATUS**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 19, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

2 4 FEB 2009

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Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20037

In re Application of: HELAINE et al.
Application No.: 12/066,802
PCT No.: PCT/JP2006/319003
Int. Filing Date: 25 September 2006
Priority Date: 26 September 2005
Attorney Docket No.:Q105578
For: MOBILE RADIO COMMUNICATION DEVICE AND METHOD OF MANAGING CONNECTIVITY STATUS FOR THE SAME

DECISION ON PETITION

This decision is issued in response to the declaration submitted on 17 June 2008 which is being treated as a Request under 37 CFR 1.42.

BACKGROUND

On 25 September 2006, applicants filed international application PCT/JP2006/319003, which claimed a priority date of 26 September 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 March 2008.

On 13 March 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); an application data sheet; a copy of the international application; and a preliminary amendment.

On 17 June 2008, applicants filed a declaration executed by Fabrice Zappulla and Cecile Helaine on behalf of deceased inventor, Hubert Helaine.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration submitted on 17 June 2008 was executed by Cecile Helaine as "legal representative" to the deceased inventor, Hubert Helaine. The declaration submitted appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

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.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497). Here, the declaration filed on 17 June 2008 provides the citizenship for only one individual and it is unclear whether this information is for the 'legal representative' or the deceased inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.497(b)(2).

CONCLUSION

The submission under 37 CFR 1.42 is **REFUSED**.

Applicants have **TWO (2) MONTHS** from the mailing date of this Decision to submit a proper response under 37 CFR 1.42. Failure to provide a proper and timely response will result in abandonment. A proper response must include an acceptable declaration executed by either the legal representative (executor) of the deceased inventor or, if no legal representative has been appointed, all of the deceased inventor's heirs. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 6 MAY 2009

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Sughrue Mion, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20037

In re Application of: HELAINE et al.
Application No.: 12/066,802
PCT No.: PCT/JP2006/319003
Int. Filing Date: 25 September 2006
Priority Date: 26 September 2005
Attorney Docket No.:Q105578
For: MOBILE RADIO COMMUNICATION DEVICE AND METHOD OF MANAGING CONNECTIVITY STATUS FOR THE SAME

DECISION ON PETITION

This decision is issued in response to applicants' "Request for Reconsideration" submitted on 17 March 2009 which is being treated as a Renewed Request under 37 CFR 1.42.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 24 February 2009. That decision indicated that the declaration filed by applicants herein, which was executed on behalf of deceased inventor Hubert Helaine by his legal representative Cecile Helaine, could not be accepted under 37 CFR 1.42 and 1.497 for failure to include all required information.

On 17 March 2008, applicants filed the present petition in response to the previous decision.

DISCUSSION

The previous decision indicated that the declaration filed by applicants on 17 June 2008 could not be accepted because it failed to expressly identify the citizenship of both the deceased inventor and his legal representative, as required by statute. (See 35 U.S.C. 115 and 117).

The present submission confirms that the legal representative, like the deceased inventor, is a citizen of France. Under these circumstances, the indication of French citizenship contained in the signature block that names both the deceased inventor and the legal representative is accepted as applying to both the deceased inventor and the legal

representative. Based on this interpretation, the declaration satisfies the statutory requirement that the citizenship of both the deceased inventor and the legal representative be listed on the declaration.

The United States Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting above statement regarding the citizenship of the legal representative and deceased inventor as referenced under 37 CFR 1.63; 37 CFR 1.497(a)(3) and 37 CFR 1.497(b)(2).

CONCLUSION

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
Tel: (571) 272-3298
Fax: (571) 273-0459

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JUL 22 2009

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 1500
50 SOUTH SIXTH STREET
MINNEAPOLIS MN 55402-1498

In re Application of	:	
Kimura, Tomio	:	DECISION ON REQUEST TO
Application No. 12/066,813	:	PARTICIPATE IN PATENT
Filed: 03/13/2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 190105/US	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 17, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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JUNEAU PARTNERS
333 N. FAIRFAX ST SUITE 305
ALEXANDRIA, VA 22314

MAILED

MAY 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Aldo Pagano	:	DECISION ON PETITION
Application No. 12/066,829	:	TO WITHDRAW
Filed: September 8, 2008	:	FROM RECORD
Attorney Docket: 128.1029	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 1, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that Juneau Partners was revoked as power of attorney by the assignee of the patent application on April 21, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK, NY 10016

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12 AUG 2008

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ROBERTS, MARDULA & WERTHEIM, LLC
11800 SUNRISE VALLEY DRIVE,
SUITE 1000
RESTON VA 20191

In re Application of: KIM, Young, Seok
U.S. Application No.: 12/066,854
PCT No.: PCT/KR2006/002711
International Filing Date: 11 July 2006
Priority Date: 13 July 2005
Atty Docket No.: 1248-004US
For: STRUCTURE OF PACKING MATERIAL INFLATED WITH AIR

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 14 March 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 13 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 was accompanied by payment of the small entity petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). The requirements of 37 CFR 1.137(b) have been satisfied; accordingly, the request to revive the international application is appropriately granted.

It is noted that applicant's 14 March 2008 submission included an executed declaration. Deposit Account No. 18-1579 will be charged the $65 small entity surcharge required for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 March 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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07 JUL 2009

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RANBAXY INC.
INTELLECTUAL PROPERTY DEPT.
600 COLLEGE ROAD EAST
SUITE 2100
PRINCETON NJ 08540

In re Application of: PALLE, Venkata, P., et al. U.S. Application No.: 12/066,914 PCT No.: PCT/IB2006/053349 International Filing Date: 18 September 2006 Priority Date: 16 September 2005 Attorney's Docket No.: RLL-761US For: SUBSTITUTED PYRAZOLO [3,4-ß] PYRIDINES AS PHOSPHO-DIESTERASE INHIBITORS	DECISION ON PETITION (37 CFR 1.182)

This decision is issued in response to the "Response To Notification Of Defective Response;" filed 01 April 2009, treated herein as a petition under 37 CFR 1.182 to change the name of record for the fifth inventor from Raghu RAMAIAH to Mandadapu RAGHURAMAIAH. Deposit Account No. 50-0912 will be charged the required $400 petition fee.

BACKGROUND

On 18 September 2006, applicants filed international application PCT/IB2006/053349. The application claimed a priority date of 16 September 2005, and it designated the United States. On 22 March 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 16 March 2008. The published international application identified the fifth inventor as Raghu RAMAIAH.

On 14 March 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 07 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, the $130 surcharge for filing the oath or declaration later than thirty months after the priority date, and additional sequence listing materials.

On 03 September 2008, applicants filed a response to the Notification Of Missing Requirements including payment of the required surcharge, a statement that the present application does not include a sequence listing, and an executed declarationn. The declaration identified the fifth inventor as Mandadapu RAGHURAMAIAH.

On 19 March 2009, the DO/EO/US mailed a "Notification Of Defective Response" (Form DO/EO/916) indicating that the declaration filed 03 September 2008 was defective because the name of the fifth inventor on the declaration did not correspond with the name of record for such inventor.

On 01 April 2009, applicants filed the "Response To Notification Of Defective Response" treated herein as a petition under 37 CFR 1.182 responded to the Notification Of Missing Requirements by filing the "Petition Pursuant To 37 CFR 1.182" considered herein. The petition confirms that the correct name for the fifth inventor is Mandadapu RAGHURAMAIAH, as listed on the declaration, and it indicates that the listing of a different name on the international application was the result of a mis-communication.

DISCUSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The difference between the name of record for the fifth inventor (Raghu RAMAIAH) and the name listed on the declaration for this inventor (Mandadapu RAGHURAMAIAH) is more than a mere typographical error. Accordingly, before the declaration filed 03 September 2008 can be accepted, a grantable petition under 37 CFR 1.182 to change the name of record for the fifth inventor is required.

A grantable petition under 37 CFR 1.182 requires payment of the applicable $400 petition fee and a statement from the inventor and, if necessary, other persons with firsthand knowledge of the error, confirming the inventor's correct name, indicating how the error was made and when the error was discovered, and indicating that the error was made without deceptive intent.[1]

---

[1] It is noted that, if the inventor's name has been changed since the filing of the international application, then MPEP section 605.04(c) requires "a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order."

Applicants' present submission includes the authorization to charge Deposit Account No. 50-0912 required fees, pursuant to which the Deposit Account will be charged the required petition fee. The petition also includes a statement from counsel confirming that the correct name of the fourth inventor is Mandadapu RAGHURAMAIAH, as listed on the declaration, and that the listing of the inventor under a different name on the international application resulted from a mis-communication. However, the petition does not include the required statement from the inventor confirming these facts and expressly stating that the error occurred without deceptive intent. Applicants have therefore failed to provide all the requirements of a grantable petition.

Based on the above, the name of record for the fourth inventor remains Raghu RAMAIAH. The declaration filed on 03 September 2008, which identifies this inventor as Mandadapu RAGHURAMAIAH, therefore remains defective for failure to properly identify the inventors of record herein.

CONCLUSION

Applicants' petition under 37 CFR 1.82 to change the name of record for the fifth inventor is **DISMISSED** without prejudice.

If applicants seek reconsideration on the merits, a request for reconsideration must be filed within **TWO (2) MONTHS** of the mail date of this decision. Any such submission should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182" and the materials necessary to satisfy the outstanding requirement of a grantable petition under 37 CFR 1.182, that is, a statement signed by the fifth inventor confirming his correct name and stating that the error in his name listed on the international application occurred without deceptive intent.

Extensions of time are available under 37 CFR 1.136(a). Failure to file a proper and timely response will result in abandonment of the application.

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.

Richard M. Ross
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17 SEP 2009

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PRINCETON NJ 08540

In re Application of: PALLE, Venkata, P., et al. U.S. Application No.: 12/066,914 PCT No.: PCT/IB2006/053349 International Filing Date: 18 September 2006 Priority Date: 16 September 2005 Attorney's Docket No.: RLL-761US For: SUBSTITUTED PYRAZOLO [3,4-ß] PYRIDINES AS PHOSPHO-DIESTERASE INHIBITORS	DECISION ON PETITION (37 CFR 1.182)

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.182" filed 04 September 2009. No additional petition fee is required.

BACKGROUND

The background for this application was set forth in the decision mailed on 07 July 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.182 to correct the name of record for the fifth inventor from Raghu RAMAIAH to Mandadapu RAGHURAMAIAH. Specifically, the decision indicated that applicants had not provided the required statement of non-deceptive intent from the inventor whose name was being changed.

On 04 September 2009, applicants filed the "Renewed Petition Under 37 CFR 1.182" considered herein.

DISCUSSSION

The renewed petition includes the required statement from inventor Mandadapu RAGHURAMAIAH confirming his correct name and stating that the error in the international application did not involve deceptive intent. Applicants have therefore now satisfied the final requirement for a grantable petition to correct the name of the inventor under 37 CFR 1.182.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.182 to change the name of record for inventor Raghu RAMAIAH to Mandadapu RAGHURAMAIAH is **GRANTED**.

Based on this correction, the declaration filed on 03 September 2008 is now acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 03 September 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

13 MAR 2009

Commissioner for Patents
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Saliwanchik Lloyd & Saliwanchik
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P.O. Box 142950
Gainesville, FL 32614

In re Application of MERKLER et al. U.S. Application No.: 12/066,922 PCT No.: PCT/US06/36147 Int. Filing Date: 15 September 2006 Priority Date: 16 September 2005 Attorney Docket No.: USF-228XC1 For: MATERIALS AND METHODS FOR ASSAYING FOR GLYOXYLATE	DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to applicant's "Petition under 37 CFR 1.47(b)" filed 31 December 2008 to accept the application without the signature of the joint inventors, David Merkler and Sarah E. Carpenter. The $200 petition fee has been submitted.

BACKGROUND

On 15 September 2006, applicant filed international application PCT/US06/36147 which claimed a priority date of 16 September 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 March 2008.

On 14 March 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an application data sheet.

On 02 June 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 31 December 2008, applicant filed a petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

Applicant here has submitted the appropriate petition fee. Item (1) is therefore satisfied.

As to item (2), section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made....The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts.When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the

> inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

a. Inventor David J. Merkler

A review of the present petition and the accompanying papers reveals that applicant has shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to David J. Merkler. The steps taken are sufficient to show that the nonsigning inventor refuses to execute the application.

b. Inventor Sarah E. Carpenter

A review of the present petition and the accompanying papers reveals that applicant has not satisfied item (2) above, in that, the applicant has not shown that a bona fide attempt was made to present the application papers to Sarah E. Carpenter. The declaration of Stephen Crist states that a copy of the application papers were mailed to Sarah E. Carpenter's last known address on June 19, 2008, however, these papers were returned as "unclaimed." Additionally, Mr. Crist mailed the application papers to Ms. Carpenter's corporate (employment) address. However, petitioner fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventor. In cases where it is argued that the non-action of an inventor should be considered a refusal to cooperate it is especially important to provide a showing that the papers in question were received by the actual nonsigning inventor. Further, the application papers were mailed to Ms. Carpenter's corporate address. In this situation, the application papers should be submitted to the inventor at her last known residence home address to insure receipt. (See MPEP §605.03) Petitioner should verify Ms. Carpenter's last known residence address. Lastly, it is unclear whether the petitioner is asserting that the nonsigning inventor has refused to execute the application or cannot be located to execute the application.

Regarding item (3) above, a clear statement of the last known address of the nonsigning inventors have been provided.

Regarding item (4), an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventors has been provided. However, the declaration is signed by a person not having apparent authority to sign on behalf of the assignee. (See MPEP 324) Item (4) has not been satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Petitioner asserts a proprietary interest based on an employment agreement executed by the nonsigning inventors. The MPEP states the following with respect to an agreement in writing to assign an invention:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

As to item (5), petitioner has not submitted sufficient evidence that the inventor has agreed to assign the instant application to the University of South Florida. Petitioner states that David Merkler and Sarah E. Carpenter are obligated to assign all of his rights, title, and interest in the subject application to University of South Florida, via an employment agreement. The employment agreement has been provided with the present petition. However, an affidavit or declaration must be established by a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant. Therefore, further evidence is required to establish that the employment agreement in fact constitutes an agreement to assign the instant application to University of South Florida.

Regarding item (6), the petition includes the required express statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of David Merkler and Sarah E. Carpenter under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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06 AUG 2009

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In re Application of	:	
MERKLER et al.	:	
U.S. Application No.: 12/066,922	:	
PCT No.: PCT/US06/36147	:	DECISION ON PETITION
Int. Filing Date: 15 September 2006	:	UNDER 37 CFR 1.47(a)
Priority Date: 16 September 2005	:	
Attorney Docket No.: USF-228XC1	:	
For: MATERIALS AND METHODS FOR	:	
ASSAYING FOR GLYOXYLATE	:	

This decision is issued in response to applicant's "Renewed Petition under 37 CFR 1.47(b)" filed 13 July 2009.

Applicant's petition under 37 CFR 1.47(b) filed on 31 December 2008 was dismissed because the petitioner did not provide sufficient proof that the inventors could not be located and did not provide sufficient evidence of proprietary interest of the invention. Since the filing of the petition under 37 CFR 1.47(b), a joint inventor (Sarah E. Carpenter) has signed the declaration and the response to the Decision submitted 13 July 2009 will be treated as a petition under 37 CFR 1.47(a).

BACKGROUND

On 15 September 2006, applicant filed international application PCT/US06/36147 which claimed a priority date of 16 September 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 March 2008.

On 14 March 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an application data sheet.

On 02 June 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 31 December 2008, applicant filed a petition under 37 CFR 1.47(b). In a decision dated 13 March 2009, applicant's petition was dismissed without prejudice.

Since the filing of the petition under 37 CFR 1.47(b), a joint inventor has signed the declaration and the "Renewed under 37 CFR 1.47(b)" filed 13 July 2009 will be treated as a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (2), and (3) have been satisfied.

Applicant here has submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2) above, petitioner states that David J. Merkler has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in

> any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

A review of the present petition and the accompanying papers reveals that applicant has shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to David J. Merkler. The steps taken are sufficient to show that the nonsigning inventor refuses to execute the application.

Regarding item (3) above, a clear statement of the last known address of the nonsigning inventor has been provided.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicant has filed a declaration executed by one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (David Merkler). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. However, the declaration filed on 13 July 2009 is defective and is insufficient to satisfy the oath or declarations requirement of 35 CFR 371(c)(4) for entry into the national stage in the United States of America. Specifically, the declaration executed by Sarah Carpenter includes alterations that have not been initialed and dated by the inventor (See 37 CFR 1.52(c)).[1] Therefore, the declaration executed by Sarah Carpenter cannot be accepted at this time.

For the reasons stated above, it would not be appropriate to accept the application without the signature of David Merkler under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is <u>DISMISSED</u> 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.

---

[1] Any interlineation, erasure, cancellation or other alteration of the application papers filed should be made before the signing of any accompanying oath or declaration pursuant to § 1.63 referring to those application papers and should be dated and initialed or signed by the applicant on the same sheet of paper . . .

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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2 2 JAN 2010

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In re Application of: MERKLER et al.
U.S. Application No.: 12/066,922
PCT No.: PCT/US06/36147
Int. Filing Date: 15 September 2006
Priority Date: 16 September 2005
Attorney Docket No.: USF-228XC1
For: MATERIALS AND METHODS FOR ASSAYING FOR GLYOXYLATE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

In a decision mailed by this Office on 06 August 2009, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, applicants had not submitted an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventor (the declaration executed by Sarah Carpenter included alterations that had not been initialed and dated by the inventor).

On 22 December 2009, applicants filed the renewed petition considered herein. The renewed petition is accompanied by a copy of the complete two-page declaration document executed by the cooperating inventor, which includes an unsigned signature block for the non-signing inventor. The declaration satisfies the final outstanding requirement for a grantable petition under 37 CFR 1.47(a).

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventor, David Merkler.

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 22 December 2009.

Anthony Smith
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Office of PCT Legal Administration
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22 JAN 2010

David J. Merkler
3801 Hollow Wood Drive
Valrico, FL 33594

In re Application of:
MERKLER et al.
U.S. Application No.: 12/066,922
PCT No.: PCT/US06/36147
Int. Filing Date: 15 September 2006
Priority Date: 16 September 2005
Attorney Docket No.: USF-228XC1
For: MATERIALS AND METHODS FOR ASSAYING FOR GLYOXYLATE

Dear Mr. Merkler:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Counsel of Record:
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

Applicant: Heino et al.
Appl. No.: 12/066,955
International Filing Date: September 15, 2004
Title: COLLAGEN RECEPTOR I-DOMAIN BINDING MODULATORS
Attorney Docket No.: 0837-0230PUS1
Pub. No.: US 2008/0255028 A1
Pub. Date: October 16, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 9, 2008, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors in the form of a PCT priority date of September 15, 2004 rather than the correctly filed date of September 15, 2006.

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, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/066,960	11/06/2008	Allen M. Barnett	33804-A USA	5537

7590 01/11/2010
KILYK & BOWERSOX, P.L.L.C.
400 HOLIDAY COURT
SUITE 102
WARRENTON, VA 20186

EXAMINER
MERSHON, JAYNE L

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
01/11/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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In re Application of
Thomas Jeff ADAMO

Application No. 12066981

Filed: June 4,2008

Attorney Docket No. 10676.0005

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 15-DEC-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/066,985	03/14/2008	Yukifumi Yamada	323308US26PCT	5770

22850 7590 03/25/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
CRANMER, LAURIE K

ART UNIT	PAPER NUMBER
3636	

NOTIFICATION DATE	DELIVERY MODE
03/25/2010	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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Oblon, Spivak, McClelland, Maier & Neustadt, LLP
1940 Duke Street
Alexandria, VA 22314

In re application of Yukifumi Yamada et al. Application No. 12/066,985 Filed: March 14, 2008 For: SEAT ADJUSTMENT APPARATUS OF A VEHICLE	:	**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 March 3, 2010, 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 disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) 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 PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application 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 PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:
(2) & (5) It is not exactly clear what the provided Statement of Translation is attesting to. The Statement indicates that the attached document is an accurate translation of PCT/JP2006/320385. However, what has been provided is a Written Opinion on Form PCT/ISA/327, and a copy of the claims which have no indication of where they are from. It is not accurate to indicate that a PCT application has been translated and attached when only the above items have been provided. The Statement needs to clearly identify the documents that have been translated by the translator.
(3) Claims of the U.S. Application that sufficiently correspond to the allowable claims of the PCT application. Specifically, it looks like claim 1 contains modified language in that what was claimed in claim 1 of the PCT application, "one of the seat cushion and a base member", was amended to simply "the seat cushion and a base member". These changes (in two separate areas of claim 1) alter the scope of the claim resulting in it not sufficiently corresponding to claim 1 of the PCT application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 3/23/10

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JUL 0 1 2010

Oblon, Spivak, McClelland, Maier & Neustadt, LLP
1940 Duke Street
Alexandria, VA 22314

In re application of Yukifumi Yamada et al. Application No. 12/066,985 Filed: March 14, 2008 For: SEAT ADJUSTMENT APPARATUS OF A VEHICLE	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 26, 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 disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) 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 PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application 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 PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of the renewed petition, which included a fourth preliminary amendment filed April 26, 2010 the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/SM: 6/23/10
TL

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16 APR 2009

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COCHRAN FREUND & YOUNG LLC
2026 CARIBOU DR
SUITE 201
FORT COLLINS CO 80525

In re Application of	:	
MONNET, et al.	:	
Application No.: 12/066,997	:	
PCT No.: PCT/US06/34389	:	DECISION ON PAPERS
Int. Filing Date: 01 September 2006	:	
Priority Date: 16 September 2005	:	UNDER 37 CFR 1.42
Attorney Docket No.: CSUR.15USU1 (05-025)	:	
For: RE-MEDIATION OF FUNCTIONAL	:	
CARDIAC MITRAL VALVE	:	
REGURGITATION	:	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declaration and power of attorney filed 24 October 2008 is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 01 September 2006, applicant filed international application PCT/US06/34389, which claimed priority to an earlier application filed 16 September 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 March 2008.

On 14 March 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 declaration of the inventors and an application data sheet.

On 23 September 2008, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that the declaration of the inventors filed 14 March 2008 was not in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 24 October 2008, applicant filed the executed declaration discussed herein.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 24 October 2008 was executed by John Ordway as legal representative to the estate of the deceased joint inventor, Kyle Ordway. However, the filed declaration does not satisfy the requirements under 37 CFR 1.497(b). Specifically, the oath or declaration must provide the citizenship, residence, and mailing address of both the deceased joint inventor and the signing legal representative. The declaration filed on 24 October 2008 provides the residence, citizenship, and post office address for only one individual and it is unclear whether this information is for the legal representative or the deceased inventor.

In addition, the Manual of Patent Examining Procedure (MPEP) Section 201.03 states that:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

The filed declaration contains two supplemental sheets "1 of 1" listing inventors Orton, James and Ordway. This suggests that either the filed declaration was compiled from numerous declarations or that the inventors only returned their signature pages. Either scenario renders the document non-compliant. Accordingly, the declaration is not in compliance with 37 CFR 1.497(b).

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
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Office of PCT Legal Administration
Tel: (571) 272-3294
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24 JUN 2009

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COCHRAN FREUND & YOUNG LLC
2026 CARIBOU DR
SUITE 201
FORT COLLINS CO 80525

In re Application of	:	
MONNET, et al.	:	
Application No.: 12/066,997	:	
PCT No.: PCT/US06/34389	:	DECISION ON PAPERS
Int. Filing Date: 01 September 2006	:	
Priority Date: 16 September 2005	:	UNDER 37 CFR 1.42
Attorney Docket No.: CSUR.15USU1 (05-025)	:	
For: RE-MEDIATION OF FUNCTIONAL	:	
CARDIAC MITRAL VALVE	:	
REGURGITATION	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.42" filed 16 June 2009 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 16 April 2009, applicant was mailed a decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 16 June 2009, applicant filed the renewed petition discussed herein.

DISCUSSION

As detailed in the decision mailed 16 April 2009, 37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 24 October 2008 was executed by John Ordway as legal representative to the estate of the deceased joint inventor, Kyle Ordway. The declaration provided the residence, citizenship, and post office address for only one individual. Counsel has confirmed in the presently filed statement of facts that the residence, mailing address and citizenship provided on the filed declaration applies to both the deceased inventor, Kyle Ordway

and the executing legal representative, John Ordway. Thus, applicant has satisfied the concern raised in the previous decision.

However, a review of the renewed petition and accompanying documents finds that applicant has yet to supply a compliant oath or declaration of the inventors.

As explained in the previous decision, the Manual of Patent Examining Procedure (MPEP) Section 201.03 states that:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

The accompanying statement of facts confirms that the inventors were mailed, and returned complete declarations and that prior to filing applicant constructed a four page declaration from these returned declarations. Accordingly, this four page declaration is not in compliance with 37 CFR 1.497(b). Since the inventors returned complete declarations, new declarations do not need to be executed, however, applicant must supply the USPTO with complete copies of the executed declarations. It is clear from the papers that Mr. Ordway executed a different declaration than inventors Orton and James. Thus, applicant is required to file a complete declaration listing all inventors and containing a copy of the Ordway signature, a complete declaration listing all inventors and containing a copy of the sheet containing the Orton and James signatures. If inventor Monnet signed a separate declaration than the other inventors and the legal representative then a complete declaration containing his signature must also be submitted. If he signed with the other inventors or the legal representative then his signature page should be included with the applicable declaration and an unsigned page listing his information included in the other declarations.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **ONE (1) MONTH** from the mail date of this decision or the extendable time remaining from the mail date of the decision mailed 16 April 2009 to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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2 9 JUL 2009

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COCHRAN FREUND & YOUNG LLC
2026 CARIBOU DR
SUITE 201
FORT COLLINS CO 80525

In re Application of	:	
MONNET, et al.	:	
Application No.: 12/066,997	:	
PCT No.: PCT/US06/34389	:	DECISION ON PAPERS
Int. Filing Date: 01 September 2006	:	
Priority Date: 16 September 2005	:	UNDER 37 CFR 1.42
Attorney Docket No.: CSUR.15USU1 (05-025)	:	
For: RE-MEDIATION OF FUNCTIONAL	:	
CARDIAC MITRAL VALVE	:	
REGURGITATION	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.42" filed 17 July 2009 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 24 June 2009, applicant was mailed a decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 17 July 2009, applicant filed the renewed petition discussed herein.

DISCUSSION

As detailed in the decision mailed 24 June 2009, 37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 24 October 2008 was executed by John Ordway as legal representative to the estate of the deceased joint inventor, Kyle Ordway. The declaration provided the residence, citizenship, and post office address for only one individual. Counsel subsequently confirmed that the residence, mailing address and citizenship provided on the filed declaration applies to both the deceased inventor, Kyle Ordway and the executing legal

representative, John Ordway. The declaration submitted on 16 June 2009 was rejected as it was compiled from numerous, separately signed declarations. Applicant has presently provided complete copies of the three declarations. Therefore, applicant has satisfied the final element for proceeding pursuant to 37 CFR 1.42 and it is proper to grant applicant's request for status under 37 CFR 1.42 at this time.

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 01 September 2006 and a date of **17 July 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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16 JUL 2009

RANBAXY INC.
INTELLECTUAL PROPERTY DEPT.
600 COLLEGE ROAD EAST
SUITE 2100
PRINCETON NJ 08540

In re Application of	:
PALLE et al.	:
Application No.: 12/067,013	: DECISION on
PCT No.: PCT/IB06/02494	:
Int. Filing: 11 September 2006	:SUBMISSION
Priority Date: 16 September 2005	:
Attorney Docket No.: RLL-762US	:
For: SUBSTITUTED PYRAZOLO [3,4-B] PYRIDINES	:
AS PHOSPHODIESTERASE INHIBITORS	:

This is a decision to applicant's Response to Notification of Defective Response filed on 30 March 2009 in the United States Patent and Trademark Office (USPTO) in the above-captioned application.

On 02 July 2008, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), identifying the international application number and international filing date, was required along with the surcharge for filing the oath or declaration after the thirty month period.

On 23 October 2008, a reply to the Notification of Missing Requirements was filed including an executed declaration and a request for a two month extension of time.

On 13 March 2009, a Notification of Defective Response was mailed indicating that the declaration was not in compliance with 37 CFR 1.497(a) and (b) as the firth inventor's name is shown differently on the declaration than on the international application. Clarification was requested.. [1]

On 30 March 2009, applicant filed an explanation of the corrected inventor's name, notifying the Office that the correct inventor's name is RAGHURAMAIAH as indicated in the declaration filed 23 October 2008 rather than RAGHU RAMAIAH, as incorrectly indicated in the international application as the result of a transliteration error.

Where the discrepancy between the name of the inventor indicated in the international

[1]Section 201.03 of the Manual of Patent Examining Procedure states where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error to correct the name of the inventor.

application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 is not required. In such case, the Office should simply be notified of the error. A new declaration is not required. *See* MPEP 1893.01(e).

Applicants' explanation of the correction of inventor RAGHURAMAIAH's name is accepted and noted for the record.

CONCLUSION

For the reasons above, the Request is **GRANTED**. No petition fee is required.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 23 October 2008.

Cynthia M. Kratz
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2 9 JAN 2009

NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

In re Application of STEVENS	:	
U.S. Application No.: 12/067,080	:	
PCT Application No.: PCT/IB2006/053253	:	
Int. Filing Date: 13 September 2006	:	
Priority Date Claimed: 20 September 2005	:	DECISION
Attorney Docket No.: 00 1505 US1	:	
For: APPARATUS AND METHOD FOR FRAME	:	
RATE PRESERVING RE-SAMPLING OR	:	
RE-FORMATTING OF A VIDEO STREAM	:	

This is in response to applicant's "Petition to File Application with an Inventor That Cannot Be Reached Under 37 CFR 1.47" filed 31 December 2008.

BACKGROUND

On 13 September 2006, applicant filed international application PCT/IB2006/053253, which claimed priority of an earlier European Patent Office application filed 20 September 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 29 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 20 March 2008.

On 17 March 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 02 July 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 31 December 2008, applicant filed the present petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

With regard to item (1) above, the requisite fee will be charged to Deposit Account No. 50-4019 as authorized in the petition.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The 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. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

The petition states that inventor Andrew Stevens cannot be found. However, the petition does not adequately demonstrate that a diligent effort was made to locate Mr. Stevens. Although a letter sent to Mr. Stevens was purportedly undeliverable (see affidavit of Vilimaina Naga, ¶2), copies of the letter and the returned envelope have not been provided. Furthermore, an affidavit from a person with firsthand knowledge of other attempts to reach Mr. Stevens (e.g. by telephone, electronic mail, by contacting former co-workers, and by searching directories) has not been furnished. Thus, it would not be reasonable to conclude at the present time that Mr. Stevens cannot be found.

With regard to item (3) above, the petition states the last known address of the nonsigning inventor.

With regard to item (4) above, an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor has not been provided. Furthermore, MPEP 324 states that when an assignee files an application under 37 CFR 1.47(b), ownership of the application must be established. Under 37 CFR 3.73(b)(1), ownership of the application may be established by: (i) submitting documentary evidence of a chain of title from the original owner to the assignee; or (ii) specifying by reel and frame number where such evidence is recorded in the USPTO.

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify filing of the application. MPEP 409.03(f).

The present petition makes no showing as to how applicant has sufficient proprietary interest in the present application.

With regard to item (6) above, a statement regarding preservation of the rights of the parties and/or prevention of irreparable damage has not been provided.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(b) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". 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

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28 MAY 2009

NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
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SAN JOSE, CA 95131

In re Application of STEVENS	:	
U.S. Application No.: 12/067,080	:	
PCT Application No.: PCT/IB2006/053253	:	
Int. Filing Date: 13 September 2006	:	
Priority Date Claimed: 20 September 2005	:	DECISION
Attorney Docket No.: 00 1505 US1	:	
For: APPARATUS AND METHOD FOR FRAME	:	
RATE PRESERVING RE-SAMPLING OR	:	
RE-FORMATTING OF A VIDEO STREAM	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.47(b)" filed 29 April 2009.

BACKGROUND

On 13 September 2006, applicant filed international application PCT/IB2006/053253, which claimed priority of an earlier European Patent Office application filed 20 September 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 29 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 20 March 2008.

On 17 March 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 02 July 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 31 December 2008, applicant filed a petition under 37 CFR 1.47(b).

On 29 January 2009, this Office mailed a decision dismissing the 31 December 2008 petition.

On 29 April 2009, applicant filed the present renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

Petitioner has previously satisfied items (1) and (3) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The 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. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

The petition states that inventor Andrew Stevens cannot be found. The renewed petition adequately demonstrates that a diligent effort was made to locate Mr. Stevens. Specifically, unsuccessful efforts were made to reach Mr. Stevens by postal mail, by telephone, by searching directories, an by attempting to contact Mr. Stevens' former co-workers (see 29 April 2009 affidavit of Vilimaina Naga, ¶2). Therefore, it can be concluded with reasonable certainty that Mr. Stevens cannot be found.

With regard to item (4) above, an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor has been furnished with the renewed petition.

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify filing of the application. MPEP 409.03(f). Furthermore, MPEP 324 states that

when an assignee files an application under 37 CFR 1.47(b), ownership of the application must be established by: (i) submitting documentary evidence of a chain of title from the original owner to the assignee; or (ii) specifying by reel and frame number where such evidence is recorded in the USPTO (see 37 CFR 3.73(b)(1)).

In the present case, the renewed petition states that NXP, B.V. ("NXP") has proprietary interest in the present application. Therefore, petitioner must establish a chain of title from the inventor to NXP. The petition includes a copy of an employment agreement purportedly signed by inventor Stevens. However, the copy of the agreement does not bear Mr. Steven's signature. Furthermore, the nature of the "statutory provisions about Employee's inventions" has not been explained or documented. Additionally, petitioner has not provided an affidavit from a person with firsthand knowledge verifying that Mr. Stevens made the present invention during the "contractual relationship". Moreover, the purported agreement between Mr. Stevens and SP3D Chip Design GmbH ("SP3D") does not establish how NXP obtained rights to the invention. Documentary evidence of a chain of title from SP3D to NXP has not been furnished.

With regard to item (6) above, a statement regarding preservation of the rights of the parties and/or prevention of irreparable damage has been provided.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(b) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". 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

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2 8 AUG 2009

NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

In re Application of STEVENS	:	
U.S. Application No.: 12/067,080	:	
PCT Application No.: PCT/IB2006/053253	:	
Int. Filing Date: 13 September 2006	:	
Priority Date Claimed: 20 September 2005	:	DECISION
Attorney Docket No.: 00 1505 US1	:	
For: APPARATUS AND METHOD FOR FRAME	:	
RATE PRESERVING RE-SAMPLING OR	:	
RE-FORMATTING OF A VIDEO STREAM	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.47(b)" filed 09 July 2009.

BACKGROUND

On 13 September 2006, applicant filed international application PCT/IB2006/053253, which claimed priority of an earlier European Patent Office application filed 20 September 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 29 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 20 March 2008.

On 17 March 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 02 July 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 31 December 2008, applicant filed a petition under 37 CFR 1.47(b).

On 29 January 2009, this Office mailed a decision dismissing the 31 December 2008 petition.

On 29 April 2009, applicant filed a renewed petition under 37 CFR 1.47(b).

On 28 May 2009, this Office mailed a decision dismissing the 29 April 2009 renewed petition.

On 09 July 2009, applicant filed the present second renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

Petitioner has previously satisfied items (1)-(4) and (6) above.

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify filing of the application. MPEP 409.03(f). Furthermore, MPEP 324 states that when an assignee files an application under 37 CFR 1.47(b), ownership of the application must be established by: (i) submitting documentary evidence of a chain of title from the original owner to the assignee; or (ii) specifying by reel and frame number where such evidence is recorded in the USPTO (see 37 CFR 3.73(b)(1)).

In the present case, the renewed petition states that NXP, B.V. ("NXP") has proprietary interest in the present application. Therefore, petitioner must establish a chain of title from the inventor to NXP. The petition includes a copy of an employment agreement with SP3D Chip Design GmbH ("SP3D") signed by inventor Andrew Stevens. The agreement specifies that inventions made during the contractual relationship are subject to statutory provisions regarding inventions made by employees. The statutory provisions in German law provide that an employee has a duty to notify the employer of inventions made under the employment contract and that the employer may acquire rights to the invention by making a claim (see Exhibit 4). The petition states that Dr. Stevens notified his employer of invention "ID 298728" (see Exhibit 3A) and that Koninklijke Philips Electronics, N.V. ("KPENV") subsequently claimed the invention (see Exhibit 3B). The petition further provides documentation that states that SP3D was majority owned by Philips Semiconductors, which was an "affiliate" of Philips Electronics

NV (see Exhibit 2). The petition states that Philips Semiconductors was part of KPENV and that NXP was spun off from KPENV. The Notification of the Recording of a Change (Form PCT/IB/306) for international application PCT/IB2006/053253 indicates that NXP, rather than KPENV, has proprietary interest in international application PCT/IB2006/053253. However, the petition has not sufficiently established that invention "ID 298728" is the subject of the present application. Petitioner should supply an affidavit from a person with firsthand knowledge (or other appropriate documentary evidence) which conclusively links invention "ID 298728" to the present application. The fact that the short title of invention "ID 298728" is similar to that of the present application is not sufficient.

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.47(b) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". 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.

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0 3 DEC 2009

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In re Application of STEVENS	:	
U.S. Application No.: 12/067,080	:	
PCT Application No.: PCT/IB2006/053253	:	
Int. Filing Date: 13 September 2006	:	
Priority Date Claimed: 20 September 2005	:	DECISION
Attorney Docket No.: 00 1505 US1	:	
For: APPARATUS AND METHOD FOR FRAME	:	
RATE PRESERVING RE-SAMPLING OR	:	
RE-FORMATTING OF A VIDEO STREAM	:	

This is in response to applicant's "Renewed Petition Under 37 CFR 1.47(b)" filed 20 October 2009.

BACKGROUND

On 13 September 2006, applicant filed international application PCT/IB2006/053253, which claimed priority of an earlier European Patent Office application filed 20 September 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 29 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 20 March 2008.

On 17 March 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 02 July 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 31 December 2008, applicant filed a petition under 37 CFR 1.47(b).

On 29 January 2009, this Office mailed a decision dismissing the 31 December 2008 petition.

On 29 April 2009, applicant filed a renewed petition under 37 CFR 1.47(b).

On 28 May 2009, this Office mailed a decision dismissing the 29 April 2009 renewed petition.

On 09 July 2009, applicant filed a second renewed petition under 37 CFR 1.47(b).

On 28 August 2009, this Office mailed a decision dismissing the 09 July 2009 renewed petition.

On 20 October 2009, applicant filed the present third renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

Petitioner has previously satisfied items (1)-(4) and (6) above.

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify filing of the application. MPEP 409.03(f). Furthermore, MPEP 324 states that when an assignee files an application under 37 CFR 1.47(b), ownership of the application must be established by: (i) submitting documentary evidence of a chain of title from the original owner to the assignee; or (ii) specifying by reel and frame number where such evidence is recorded in the USPTO (see 37 CFR 3.73(b)(1)).

In the present case, the renewed petition states that NXP, B.V. ("NXP") has proprietary interest in the present application. Petitioner has previously established a chain of title from the inventor to NXP for inventions made during inventor Andrew Stevens contractual relationship. Furthermore, petitioner has previously demonstrated that invention "ID 298728" was part of such contractual relationship. However, petitioner had not previously illustrated that invention "ID 298728" is the subject of the present application. The present renewed petition includes documentary evidence that adequately shows that invention "ID 298728" is the subject of the

present application (see statements of David Schaeffer and Exhibits A-D). Accordingly, petitioner has established with reasonable certainty that NXP has sufficient proprietary interest in the present application.

CONCLUSION

For the reasons above, the third renewed petition under 37 CFR 1.47(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 September 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 29 April 2009.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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0 3 DEC 2009

Andrew Stevens
Erdineerstrasse 23
Neuoetting, 84524
GERMANY

In re Application of STEVENS
U.S. Application No.: 12/067,080
PCT Application No.: PCT/IB2006/053253
Int. Filing Date: 13 September 2006
Priority Date Claimed: 20 September 2005
Attorney Docket No.: 00 1505 US1
For: APPARATUS AND METHOD FOR FRAME RATE PRESERVING RE-SAMPLING OR RE-FORMATTING OF A VIDEO STREAM

Dear Andrew Stevens:

You are named as the inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as the inventor.

As the named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

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NXP, B.V.
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In re Application of
Uri Kramer

Application No. 12067174

Filed: March 17,2008

Attorney Docket No. P-BIR-7183-US

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAR-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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1801 EAST 9TH STREET
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CLEVELAND OH 44114-3108

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MAY 02 2008

OFFICE OF PETITIONS

In re Application of
Takao Suzuki et al.
Application No. 12/067,203
Deposited: March 18, 2008
Attorney Docket No. NGB-43506

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed April 8, 2008 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was deposited on March 18, 2008 with an Application Data Sheet but without an Oath or Declaration. Prior to a filing date being accorded and prior to the mailing of Notice to File Missing Parts, the instant petition and Oath executed by all inventors except Yoshinao Tan-Naka has been filed. The petition under 37 CFR 1.47 argues that diligent efforts to locate joint inventor Tan-Naka were used.

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 efforts to locate Mr. Tan-Naka at the last known physical address, as well as telephone calls and telephone directory searches were used to locate him but to no avail.

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.

The application is being forwarded to the Office of Patent Application Processing for further 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

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.
12/067,256	03/18/2008	Gerd Stahlecker	010971.60042US	9005

7590 10/15/2008
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
10/15/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

07 JUL 2008

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Benoit Castel
209 Madison Street, Suite 500
Alexandria, VA 22314

In re Application of	:	DECISION ON
TURINI et al	:	
Application No.: 12/067,291	:	
PCT No.: PCT/IT2006/000093	:	
Int. Filing Date: 21 February 2006	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: 2520-1091s	:	
For: PHARMACEUTICAL COMPOSITION...	:	
IN MDEICAL FIELD	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION TO REVIVE UNINTERNATIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. 1.137(b)," filed on 19 March 2008.

BACKGROUND

On 21 February 2006, this international application was filed, claiming an earliest priority date of 21 February 2005.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 21 August 2007. This international application became abandoned with respect to the United States at midnight on 21 August 2007 for failure to pay the required basic national fee.

On 19 March 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, the petition fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **19 March 2008.**

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SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20037

JUL 15 2008

In re Application of	: DECISION ON REQUEST TO
Toshikazu SUGIMOTO	: PARTICIPATE IN PATENT
Application No. 12/067423	: PROSECUTION HIGHWAY
Filed: March 19, 2008	: PILOT PROGRAM AND PETITION
Attorney Docket No. Q106689	: 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) and the preliminary amendment, filed July 2, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, 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 claims(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 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 JPO Office action from (5) (a)(i)-(ii) above, if applicable; and

c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)

b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kathryn Gorgos
TQAS TC 1700